FEDERAL REGISTER

VOLUME 33 • NUMBER 200

Saturday, October 12, 1968 • Washington, D.C.

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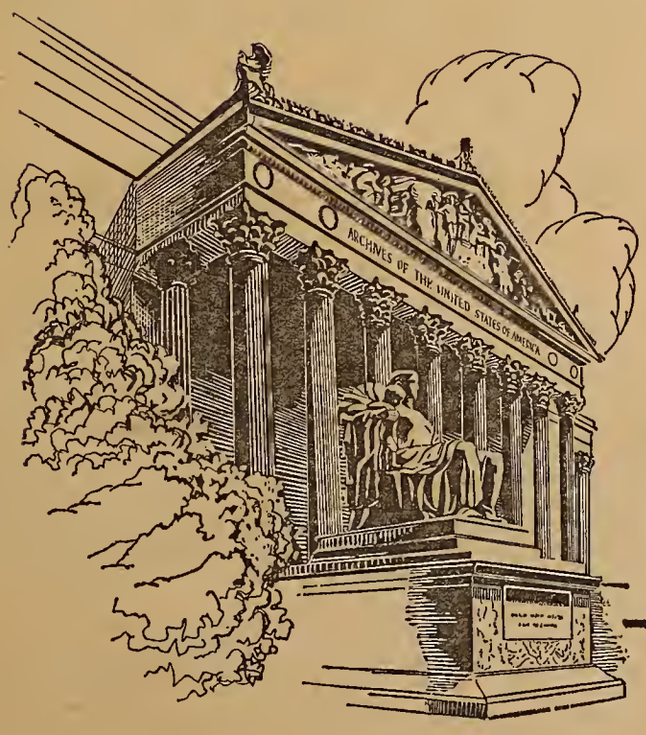

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1969, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$5,145,807	$5,029,827	$115,980
Alaska	168,912	168,912	
Arizona	1,431,908	1,376,722	55,186
Arkansas	3,090,203	3,015,717	74,486
California	6,169,501	6,169,501	
Colorado	1,650,922	1,550,122	100,800
Connecticut	1,439,928	1,439,928	
Delaware	423,851	420,374	3,477
District of Columbia	255,328	255,328	
Florida	6,119,819	6,004,147	115,672
Georgia	7,343,747	7,343,747	
Guam	150,325	110,529	39,796
Hawaii	1,028,345	968,227	60,118
Idaho	711,376	692,299	19,077
Illinois	4,782,721	4,782,721	
Indiana	3,855,393	3,855,393	
Iowa	2,951,463	2,611,799	339,664
Kansas	1,931,593	1,931,593	
Kentucky	4,712,800	4,712,800	
Louisiana	6,533,444	6,533,444	
Maine	884,500	786,142	98,358
Maryland	2,107,424	2,048,316	59,108
Massachusetts	3,807,380	3,807,380	
Michigan	4,181,533	3,844,771	336,762
Minnesota	3,737,605	3,313,976	423,629
Mississippi	4,269,359	4,269,359	
Missouri	3,942,345	3,942,345	
Montana	507,529	479,078	28,451
Nebraska	1,277,677	1,097,758	179,919
Nevada	141,834	140,889	945
New Hampshire	517,283	517,283	
New Jersey	2,143,624	1,916,779	226,845
New Mexico	1,196,187	1,196,187	
New York	10,582,379	10,582,379	
North Carolina	8,252,246	8,252,246	
North Dakota	814,450	728,624	85,826
Ohio	6,487,927	5,896,187	591,740
Oklahoma	2,248,092	2,248,092	
Oregon	1,458,142	1,458,142	
Pennsylvania	6,463,897	5,741,829	722,068
Puerto Rico	4,490,367	4,490,367	
Rhode Island	282,972	282,972	
South Carolina	4,960,189	4,907,436	52,753
South Dakota	669,359	669,359	
Tennessee	4,946,221	4,871,622	74,599
Texas	7,811,429	7,550,017	261,412
Utah	1,412,706	1,408,197	4,509
Vermont	289,762	289,762	
Virginia	4,729,135	4,662,474	66,661
Virgin Islands	165,314	165,314	
Washington	2,018,496	1,968,297	50,199
West Virginia	1,977,176	1,937,939	39,237
Wisconsin	3,028,546	2,481,052	547,494
Wyoming	262,717	262,717	
Samoa, American	77,812	77,812	
Total	162,041,000	157,266,229	4,774,771

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944; 42 U.S.C. 1751–1760)

Dated: October 9, 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68–12439; Filed, Oct. 11, 1968; 8:47 a.m.]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1969

Pursuant to section 11 of the National School Lunch Act, as amended, food asistance funds available for the fiscal year ending June 30, 1969, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$360,427	$356,917	$3,510
Alaska	29,941	29,941	
Arizona	99,397	86,863	12,534
Arkansas	378,206	371,762	6,444
California	253,859	253,859	
Colorado	62,955	52,380	10,575
Connecticut	20,858	20,858	
Delaware	8,548	8,505	43
District of Columbia	75,393	75,393	
Florida	563,683	557,701	5,982
Georgia	597,392	597,392	
Guam	697	481	216
Hawaii	30,760	19,637	11,123
Idaho	11,523	10,692	831
Illinois	118,720	118,720	
Indiana	66,094	66,094	
Iowa	51,567	37,699	13,868
Kansas	36,700	36,700	
Kentucky	339,947	339,947	
Louisiana	358,322	358,322	
Maine	42,643	33,927	8,716
Maryland	50,124	43,081	7,043
Massachusetts	98,817	98,817	
Michigan	138,845	122,202	16,643
Minnesota	52,798	37,824	14,974
Mississippi	294,885	294,885	
Missouri	128,248	128,248	
Montana	30,201	25,813	4,388
Nebraska	36,492	25,762	10,730
Nevada	7,349	7,304	45
New Hampshire	12,277	12,277	
New Jersey	56,790	34,815	21,975
New Mexico	156,956	156,956	
New York	1,588,776	1,588,776	
North Carolina	750,657	750,657	
North Dakota	22,969	16,635	6,334
Ohio	190,935	156,327	34,608
Oklahoma	119,659	119,659	
Oregon	19,011	19,011	
Pennsylvania	202,356	128,645	73,711
Puerto Rico	283,793	283,793	
Rhode Island	12,816	12,816	
South Carolina	701,367	696,811	4,556
South Dakota	29,921	29,921	
Tennessee	415,140	410,840	4,300
Texas	461,531	440,264	21,267
Utah	74,690	74,031	659
Vermont	12,125	12,125	
Virginia	249,556	246,394	3,162
Virgin Islands	10,546	10,546	
Washington	40,544	36,299	4,245
West Virginia	171,627	169,615	2,012
Wisconsin	62,281	39,092	23,189
Wyoming	3,322	3,322	
Samoa, American	4,964	4,964	
Total	10,000,000	9,672,317	327,683

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 946; 42 U.S.C. 1751–1760)

Dated: October 9, 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68–12440; Filed, Oct. 11, 1968; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 36]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 14, 1968. The committee held an open meeting on October 8, 1968, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated

among shippers of tangelos, grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; volume movement is expected to begin on or about the effective time hereof, and it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on such date, so as to provide so far as practicable for the regulation of the handling of all such tangelos; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.508 Tangelo Regulation 36.

(a) Order:

(1) During the period beginning October 14, 1968, through July 31, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(2) During any week of the aforesaid period, any handler may ship a quantity of tangelos which are smaller than the size prescribed in subdivision (ii) of subparagraph (1) of this paragraph if (i) the number of standard packed boxes of such smaller tangelos does not exceed 15 percent of the total standard packed boxes of all sizes of tangelos shipped by such handler during the same week; and (ii) such smaller tangelos are of a size not smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of one calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12509; Filed, Oct. 11, 1968; 8:48 a.m.]

[Lemon Reg. 342]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.642 Lemon Regulation 342.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 8, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 13, 1968, through October 19, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 93,000 cartons;

(iii) District 3: 111,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12484; Filed, Oct. 11, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 68–SO–82; Amdt. 39–669]

PART 39—AIRWORTHINESS DIRECTIVES

Aero Commander Model 100 and 100–180 Airplanes

There have been failures of the aileron control system on Aero Commander Model 100 and 100–180 airplanes that could result in improper operation of the aileron control system. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the P/N

35606 aileron cable assembly on Aero Commander Model 100 and 100–180 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon is impracticable and good cause exists for making this amendment effective in less than 30 days.

By consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to Aero Commander Model 100, S/N 1 through 278, and Aero Commander Model 100–180, S/N 5001 through 5080 airplanes
Compliance required as indicated.

To prevent the possibility of aileron cable failure caused by improper swaging of P/N 35606 aileron cable assembly, accomplish the following prior to further flight:

(a) Unless already accomplished, inspect P/N 35606 aileron cable assembly in accordance with Aero Commander Service Bulletin No. 1015, dated October 4, 1968, or later FAA-approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

(b) If indications of improper swaging or of cable slippage are found, replace the assembly with a new P/N 35606 aileron cable assembly that is properly swaged in accordance with the criteria specified in Figure 1 of the Service Bulletin.

This amendment becomes effective October 15, 1968, for all persons except those receiving letter notification on October 4, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on October 4, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–12416; Filed, Oct. 11, 1968; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68–SO–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On September 21, 1968, F.R. Doc. 68–11499 was published in the FEDERAL REGISTER (33 F.R. 14285), amending Part 71 of the Federal Aviation Regulations by altering the Tuscaloosa, Ala., control zone and transition area.

In the amendment, the geographic coordinate for Van De Graaff Airport was incorrectly published as "Lat. 33°13'35'' N., Long. 87°36'36'' W.," in the control zone and transition area descriptions. The correct geographic coordinate is "Lat. 33°13'10'' N., Long. 87°36'45'' W." Therefore, action taken herein amends these descriptions.

In consideration of the foregoing, effective immediately, F.R. Doc. 68–11499 is amended as follows:

In line two of the Tuscaloosa, Ala., control zone description and in line three and four of the Tuscaloosa, Ala., transition area description "* * * Lat. 33°13'35'' N., Long. 87°36'36''W. * * *" is deleted and "* * * Lat. 33°13'10'' N., Long. 87°36'45'' W. * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 2, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–12417; Filed, Oct. 11, 1968; 8:45 a.m]

[Airspace Docket No. 68–WE–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway and Transition Area and Designation of Reporting Points

On August 2, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11029) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the vicinity of Astoria, Oreg., designate a domestic reporting point and realign airways between Newport, Oreg., and Seattle, Wash.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 12, 1968, as hereinafter set forth.

1. Section 71.123 (33 F.R. 2009) is amended as follows:

In V–27 all between "12 AGL Astoria, Oreg.," and "The airspace below 2,000 feet MSL outside the United States" is deleted and substitute "including a 12 AGL east alternate via INT of Newport 016° and Astoria 157° radials; 12 AGL Hoquiam, Wash., including a 12 AGL west alternate via INT Astoria 309° and Hoquiam 182° radials; 12 AGL Seattle, Wash., including a 12 AGL east alternate from Astoria to Seattle via Olympia, Wash., and INT Olympia 010° and Seattle 249° radials." therefor.

2. In § 71.181 (33 F.R. 2137) the Astoria, Oreg., transition area is amended by deleting all after "Clatsop County Airport to 8 miles north of the VOR;" and substituting; "and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° radial, extending from the Fort Stevens fan marker to 12 miles northwest of the fan marker and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker." therefor.

3. In § 71.203 (33 F.R. 2280) the following is added:

Ilwaco INT: INT Astoria, Oreg., 309° and Hoquiam, Wash., 182° radials.

(Secs. 307(a) 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 7, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–12418; Filed, Oct. 11, 1968; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9189; Amdt. 95–172]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective November 14, 1968 as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct Routes—United States* is amended to delete:

From, to, and MEA

Avenal, Calif., VOR; Salinas, Calif., VOR (COP 43 AVE); *8,500. *6,300—MOCA. MAA—39,000.

Avenal, Calif., VOR; COP 65 AVE; San Jose, Calif., VOR; *10,000. *6,700—MOCA.

Hollister INT, Calif.; Los Banos, Calif., VOR; 6,000.

Barksdale AFB, La., VOR; Cotton INT, La.; 1,700.

Barksdale, La., VOR; Homer INT, La. (via BAD VOR 034° M); *2,000. *1,800—MOCA.

Barksdale, La., VOR; Int, 055° M rad, Barksdale VOR, VOR and 095° M rad, Shreveport VOR; *2,000. *1,800—MOCA.

Barksdale, La., VOR; Int, 005° M rad, Barksdale VOR and 027° M rad, Shreveport VOR; *4,000. *1,700—MOCA.

From, to, and MEA

Barksdale, La., VOR; Int, 240° M rad, Barksdale VOR and 184° M rad, Shreveport VOR; *2,000. *1,400—MOCA.
Collinsville INT, Okla.; Bartlesville, Okla., VOR; *2,200. *2,100—MOCA.
Binghamton, N.Y., VOR; Buffalo, N.Y., LF/RBN; 4,500.
Binghamton, N.Y., VOR; Buffalo, N.Y., VOR; 4,500.
Downtown, La., VOR; Int, 066° M rad, Downtown VOR and 095° M rad, Shreveport, VOR; *2,000. *1,800—MOCA.
Guppy INT, Fla.; Isaac INT, Bahama; *8,000. *1,000—MOCA.
Hoquiam, Wash., VORTAC; Seattle, Wash., VORTAC; 18,000. MAA—45,000.
Int, 066° M rad, Downtown VOR and 211° M rad, El Dorado VOR; Homer INT, La.; *2,000. *1,600—MOCA.
Int, 066° M rad, DTN VOR and 148° M rad, SHV VOR; Shreveport, La., VOR; *2,000. *1,700—MOCA.
Int, 264° M rad, Barksdale VOR and 159° M rad, Shreveport VOR; Marthaville INT, La.; *4,500. *1,600—MOCA.
Int, southeast crs Shreveport ILS and 264° M rad, Barksdale VOR; Int., southeast crs Shreveport ILS and 159° M rad, Shreveport VOR; *2,000. *1,300—MOCA.
Lewis, Ind., VOR; St. Louis, Mo., VOR; 18,000. MAA—45,000.
Lick INT, Calif.; Los Banos, Calif., VOR; *10,000. *5,800—MOCA.
Miami, Fla., VOR; Guppy INT, Fla.; *3,000. *2,000—MOCA.
Priest, Calif., VOR; via ROM 309/ SJC 120; Hollister INT, Calif., COP 40 ROM; *18,000. MAA—24,000. *6,500—MOCA.
Quitman, Tex., VOR; Paris, Tex., VOR; 1,800.
Richmond, Ind., LF/RBN; Cincinnati, Ohio, LF/RBN; 2,400.
Sheridan INT, Ark.; Malvern INT, Ark.; 1,800.
Sheridan INT, Ark.; Pine Bluff, Ark., VOR; 1,600.
Spiro, Okla., VOR; Fort Smith, Ark., VOR; 2,000.
Stebbins INT, Okla.; Bartlesville, Okla., VOR; 2,200.
Sunol INT, Calif.; San Jose, Calif., VOR; *5,000. *4,700—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Atlanta, Ga., RBN; Rome, Ga., RBN; 3,000.
Atlanta, Ga., VOR; Rome, Ga., VOR; 2,500.
Avenal, Calif., VOR; Salinas, Calif., VOR; *18,000. *6,300—MOCA. MAA—39,000.
Avenal, Calif., VOR; San Jose, Calif., VOR; *18,000. *6,700—MOCA. MAA—39,000.
Battle Creek, Mich., VOR; via BTL R 223/SBN LOC crs.; South Bend, Ind., LOM; 3,500.
Brownwood, Tex., VOR; Mineral Wells, Tex., VOR; *3,500. *3,000—MOCA.
Eufaula, Ala., VOR; Macon, Ga., VOR; *2,100. *2,000—MOCA.
Int, 213° M rad, Freeport VOR and 089° M rad, Miami VOR; *Isaac INT, Bahama; **8,000. *8,000—MCA Isaac INT, westbound. **1,200—MOCA.
Smith-Reynolds, N.C., LOM; Int, 241° M rad, Greensboro VOR and 192° M bearing from Smith-Reynolds LOM; *2,500. *2,000—MOCA.
Malvern INT, Ark.; Pine Bluff, Ark., VOR; *2,000. *1,600—MOCA.
San Angelo, Tex., VOR; Brownwood, Tex., VOR; *3,800. *3,100—MOCA.

Section 95.1001 *Direct routes*—United States is amended to read in part:

Dozier INT, Ala. (CEW 028/OZR 268); Andalusia INT, Ala. (VPS 360/MVC 101/OZR 268); *2.000. *1,700—MOCA.
Emory, Ga., LF/RBN; Int, 280° M bearing from Emory, LF/RBN and 158° M rad, Augusta VOR; 2,000.

From, to, and MEA

Florence, S.C., VORTAC; Planter INT, S.C.; *2,500. *1,400—MOCA.
Linden, Calif., VOR; Coaldale, Calif., VOR; *18,000. *14,400—MOCA, MAA—39,000.
Tyler, Tex., LF/RBN; Quitman, Tex., VOR; *2,000. *1,700—MOCA.
Victoria, Tex., VOR; Bayside INT, Tex.; 1,600.

Section 95.1001 *Direct routes—United States V/STOL routes* is amended by adding:

Andrews, Md., VOR; Int, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR; 3,000.
Bayside INT, Va.; Int, 105° M rad Hopewell VOR and 134° M rad, Harcum VOR; 2,000.
Braddock INT, Md.; Herndon, Va., VOR; 4,000.
Herndon, Va., VOR; Burke INT, Va.; 3,000. MAA—4,000.
Int, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR; Bodkin INT, Md.; 2,000.
Int, 097° M rad, Herndon VOR and 320° M rad, Washington VOR; Herndon, Va., VOR; 3,000. MAA—4,000.
Int, 105° M rad, Hopewell VOR and 134° M rad, Harcum VOR; Hopewell, Va., VOR; 2,000.
Norfolk, Va., VOR; Bayside INT, Va.; 2,000.
Patrick Henry, Va.; Int, 322° M rad, Norfolk VOR and 105° M rad, Hopewell VOR; 2,000.
Patuxent, Md., VOR; Int, 172° M rad, Patuxent VOR and 008° M rad, Norfolk VOR; 2,000.
Washington, D.C., VOR; Int, 320° M rad, Washington VOR and 097° M rad, Herndon VOR; 3,000. MAA—4,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Cofield, N.C., VOR; Norfolk, Va., VOR; *2,000. *1,400—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Livingston, Mont., VOR; Reed Point DME Fix, Mont., *9,000. *8,300—MOCA.
Reed Point DME Fix, Mont.; *Columbus DME Fix, Mont.; westbound 9,000; eastbound 7,000. 6,200—MCA Columbus DME Fix, westbound.
Columbus DME Fix, Mont.; Billings, Mont., VOR; *6,000. *5,900—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Holland INT, Ind., via N alter.; St. Marks INT, Ind., via N alter.; *3,500. *1,700—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Appleton, Ohio, VOR; Mansfield, Ohio, VOR; 3,000.

Section 95.6007 *VOR Federal airway 7* is amended by adding:

Nashville, Tenn., VOR, via E alter.; Central City, Ky., VOR, via E alter.; *3,000. *2,000—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Flint Stone INT, Pa., via N alter.; Hagerstown, Md., VOR, via N alter.; 4,000.
Findlay, Ohio, VOR; Upper Sandusky INT, Ohio; *2,500. *2,200—MOCA.
Upper Sandusky INT, Ohio; Mansfield, Ohio, VOR; 2,700.
Hanksville, Utah, VOR, via S alter.; *Moab INT, Utah, via S alter.; **10,700. *12,600—MCA Moab INT, eastbound. **8,100—MOCA.

From, to, and MEA

Moab INT, Utah; Grand Junction, Colo., VOR; *10,700. *10,500—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

McCook INT, Tex.; *Jennings INT, Tex.; **3,000. *4,500—MRA. **1,800—MOCA. MAA—9,000.
Jennings INT, Tex.; *Lee INT, Tex.; **2,500. *5,500—MRA. **1,900—MOCA. MAA—9,000.
Lee INT, Tex.; Laredo, Tex., VOR; *2,500. MAA—9,000.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Allendale, S.C., VOR via S alter.; Charleston, S.C., VOR via S alter.; *1,800. *1,500—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

*Salt Lake City, Utah, VOR; Ogden, Utah, VOR; **7,000. *8,000—MCA Salt Lake City VOR, southbound. **6,900—MOCA.

Section 95.6034 *VOR Federal airway 34* is amended by adding:

United States-Canadian border via S alter.; Rochester, N.Y., VOR via S alter.; *5,000. *2,000—MOCA.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

Findlay, Ohio, VOR; Meeker INT, Ohio; 2,500.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Huguenot, N.Y., VOR; Walden INT, N.Y.; 4,000.

Section 95.6045 *VOR Federal airway 45* is amended to delete:

Waterville, Ohio, VOR; Adrian INT, Mich.; *2,500. *2,000—MOCA.
Adrian INT, Mich.; Jackson, Mich., VOR; *2,800. *2,500—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended by adding:

Waterville, Ohio, VOR; Jasper INT, Mich.; *2,500. *2,000—MOCA.
Jasper INT, Mich.; Jackson, Mich., VOR; *2,800. *2,500—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Holland INT, Ind.; St. Marks INT, Ind.; *3,500. *1,700—MOCA.
St. Marks INT, Ind.; Henryville INT, Ind.; *3,500. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Tarboro INT, Ga., via E alter.; Alma, Ga. VOR, via E alter.; *2,000. *1,700—MOCA.

Section 95.6058 *VOR Federal airway 58* is amended to read in part:

Revloc, Pa., VOR Tyrone, Pa., VOR 4,500.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Deep Creek INT, Va.; Norfolk, Va., VOR; *2,000. *1,400—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Fort Smith, Ark., VOR via S alter.; *Booneville INT, Ark., via S alter.; **2,700. *4,000—MCA Booneville INT, southeastbound. **2,200—MOCA.

From, to, and MEA

Booneville INT, Ark., via S alter.; *Paron INT, Ark., via S alter.; **4,500. *3,500—MRA. **3,600—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Livingston, Mont., VOR; Reed Point DME Fix, Mont., *9,000. *8,300—MOCA.
Reed Point DME Fix, Mont.; *Columbus DME Fix, Mont., westbound 9,000; eastbound 7,000. *6,200—MCA Columbus DME Fix, westbound.
Columbus DME Fix, Mont.; Billings, Mont., VOR; *6,000. *5,900—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Attica, Ohio, VOR; Mansfield, Ohio, VOR; 2,700.

Section 95.6098 *VOR Federal airway 98* is amended to delete:

Hudson INT, Mich.; Adrian INT, Mich.; *3,000. *2,000—MOCA.
Adrian INT, Mich.; Carleton, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6098 *VOR Federal airway 98* is amended by adding:

Hudson INT, Mich.; Jasper INT, Mich.; *3,000. *2,000—MOCA.
Jasper INT, Mich.; Carleton, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended to read in part:

*Salt Lake City, Utah, VOR; Ogden, Utah, VOR; **7,000. *11,000—MCA Salt Lake City eastbound. **6,900—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Tiverton, Ohio, VOR; Mansfield, Ohio, VOR; 3,000.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

Findlay, Ohio, VOR; Meeker INT, Ohio; 2,500.

Section 95.6147 *VOR Federal airway 147* is amended to read in part:

Int, 067° M rad, New Castle VOR and 152° M rad, Pottstown VOR; Ardmore INT, Pa.; 2,000.
Ardmore INT, Pa.; Pottstown, Pa., VOR; 2,400.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Brownsville, Tex., VOR via W alter.; Harlingen, Tex., VOR via W alter.; *1,500. *1,400—MOCA.

Section 95.6188 *VOR Federal airway 188* is amended to read in part:

Williamsport, Pa., VOR; Sweet Valley INT, Pa.; 4,500.
Sweet Valley INT, Pa.; Wilkes-Barre, Pa., VOR; 4,000.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Cofield, N.C., VOR; Norfolk, Va., VOR; *2,000. *1,400—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Paulton INT, Pa.; Revloc, Pa., VOR; 4,500.
Revloc, Pa., VOR; Harrisburg, Pa., VOR; 4,500.

Section 95.6226 *VOR Federal airway 226* is amended to read in part:

From, to, and MEA

Williamsport, Pa., VOR; Sweet Valley INT, Pa.; 4,500.
Sweet Valley INT, Pa.; Wilkes-Barre, Pa., VOR; 4,000.

Section 95.6228 *VOR Federal airway 228* is amended to read in part:

Northbrook, Ill., VOR via N alter.; Musky INT, Mich., via N alter.; 2,500.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

Hanksville, Utah, VOR: *Moab INT, Utah; **10,700. *12,600—MCA Moab INT, eastbound. **8,100—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Deep Creek INT, Va.; Norfolk, Va., VOR; *2,100. *1,400—MOCA.

Section 95.6268 *VOR Federal airway 268* is amended to read in part:

Flint Stone INT, Pa.; Hagerstown, Md., VOR; 4,000.

Section 95.6274 *VOR Federal airway 274* is amended to read in part:

Orleans INT, Mich.; Ithaca INT, Mich.; *2,600. *2,100—MOCA.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Nottingham, Md., VOR; Hobbs INT, Md.; 2,000.
Hobbs INT, Md.; Sea Isle, N.J., VOR; *2,400. *1,400—MOCA.

Section 95.6435 *VOR Federal airway 435* is amended to read in part:

Rosewood, Ohio, VOR; Upper Sandusky INT, Ohio; *3,000. *2,400—MOCA.

Section 95.6436 *VOR Federal airway 436* is amended to read in part:

INT, 228° M rad, Homer VOR and 192° M rad, Kenai VOR, via E alter.; Deep Creek INT, Alaska, via E alter.; *7,000. *6,400—MOCA.
Deep Creek INT, Alaska, via E alter.; Homer, Alaska, VOR via E alter.; *4,000. *3,600—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

Charleston, S.C., VOR; Wessels INT, S.C.; *1,800. *1,300—MOCA.
Wessels INT, S.C.; Florence, S.C., VOR; *2,000. *1,500—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

Mouse INT, Miss., via E alter.; Hattiesburg, Miss., VOR via E alter.; 2,000.

Section 95.6484 *VOR Federal airway 484* is amended to read in part:

*Salt Lake City, Utah, VOR; Parleys INT, Utah; **11,500. *11,000—MCA Salt Lake City VOR eastbound. **11,400—MOCA.
Parleys INT, Utah; Myton, Utah, VOR; *13,000. *12,200—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

Appleton, Ohio, VOR; Upper Sandusky INT, Ohio; 3,000.
Upper Sandusky INT, Ohio; Waterville, Ohio, VOR; 2,500.

Section 95.7020 *Jet route No. 20* is amended to read in part:

From, to, MEA, and MAA

Tallahassee, Fla., VORTAC; Orlando, Fla., VORTAC; 18,000; 45,000.

Section 95.7055 *Jet route No. 55* is amended to read in part:

Flat Rock, Va., VORTAC; Sea Isle, N.J., VOR TAC; 18,000; 45,000.
Sea Isle, N.J., VORTAC; Putnam, Conn., VORTAC; 18,000; 45,000.
Putnam, Conn., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.

Section 95.7104 *Jet route No. 104* is amended by adding:

Gila Bend, Ariz., VORTAC; Tucson, Ariz., VORTAC; 18,000; 45,000.

Section 95.7107 *Jet route No. 107* is amended to read in part:

Milford, Utah, VORTAC; Delta, Utah, VOR TAC; 18,000; 45,000.
Delta, Utah, VORTAC; Rock Springs, Wyo., VORTAC; *18,000; 45,000. *MEA is established with a gap in navigational signal coverage.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal Airway Changeover Points:*

Airway segment; from; To—Changeover point: Distance; from

V–180 is amended by adding:
San Antonio, Tex., VOR; Eagle Lake, Tex., VOR; 68; San Antonio.
V–184 is amended to read in part:
Millville, N.J., VOR; Atlantic City, N.J., VOR; 7; Millville.
V–198 is amended by adding:
San Antonio, Tex., VOR; Eagle Lake, Tex., VOR; 68; San Antonio.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C. on October 3, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–12357; Filed, Oct. 11, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT OF OFFICERS IN THE U.S. AIR FORCE OR AS RESERVES OF THE AIR FORCE

Miscellaneous Amendments

Part 881 of Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

Subpart A—General

1. Sections 881.1a and 881.4(c)(2) are revised to read as follows:

§ 881.1a Statutory authority.

The statutory authority for appointments tendered according to this part is contained in 10 U.S.C. 591, 593, 1211, 8067, 8353, 8358, 8359, and 8444.

§ 881.4 Responsibility.

* * * * *

(c) * * *

(2) Former rated officers of any of the services to fill Ready Reserve aircrew positions.

* * * * *

Subpart B—Eligibility Requirements

2. Section 881.7 is amended by revising paragraph (d); § 881.8 is amended by revising paragraphs (i) and (n); and § 881.12 is amended by revising paragraph (e). These sections now read as follows:

§ 881.7 Who may apply for appointment.

* * * * *

(d) *Former rated officers.* (1) Former rated officers of any of the services (including former Regular Air Force officers who did not apply for a Reserve commission within 1 year after resignation) may be appointed in a grade held at time of discharge, not above major or equivalent (O–4), to fill rated positions in the Ready Reserve. To be eligible for appointment, applicant must:

(i) Have been on flying status at the time his previous appointment was terminated. The applicant will furnish a copy of his individual flight record.

(ii) Be available for, and agree to participate in, a Ready Reserve aircrew position for at least 4 years after being appointed.

(iii) Qualify for an Air Force aeronautical rating and/or return to flying status under AFM 35–13 (Flying Status, Aeronautical Ratings, Designations, and Parachute Jump Status).

(iv) Not have had a previous appointment terminated for cause. Normally, the termination of appointment due to nonparticipation or failure to answer official correspondence will not automatically disqualify an individual for appointment.

(v) Meet all criterial for initial appointment as a Reserve of the Air Force, except that age may exceed the normal maximum by the number of years previous commissioned service.

(vi) Not have held a permanent Reserve grade higher than major (O–4) or its equivalent at time of discharge.

(2) The computation of constructive service for appointment and promotion service date (PSD) purposes will be as follows:

(i) A former officer who satisfactorily held the Reserve grade of major (O–4) or its equivalent will be awarded a minimum of 14 years constructive service credit or an aggregate of the following, whichever is greater, but not to exceed to total of 16 years:

(*a*) Active Federal commissioned service in an appropriate rated specialty.

(*b*) All service in an active status as a Reserve officer not on active duty in an appropriate rated specialty for the years in which minimum participation requirements for retention and retirement were satisfied (50 points minimum per year).

(ii) A former officer who satisfactorily held the Reserve grade of captain (O–3) or its equivalent will be awarded a minimum of 7 years constructive service credit or an aggregate as described in (*a*) and (*b*) of subdivision (i) of this subparagraph, whichever is greater, but not to exceed a total of 9 years.

(iii) A former officer who satisfactorily held the Reserve grade of first lieutenant (O–2) or its equivalent will be awarded a minimum of 3 years constructive service credit or an aggregate as described in (*a*) and (*b*) of subdivision (i) of this subparagraph, whichever is greater, but not to exceed a total of 5 years.

(iv) Constructive service possessed by an applicant, which is in excess of the amount required for the appointive grade, will be awarded as service in grade and identified as a promotion service date (PSD).

* * * * *

§ 881.8 Persons ineligible to apply.

* * * * *

(i) Persons on the retired rolls of any of the Armed Forces, Public Health Service, Coast Guard, or Environmental Science Services Administration.

* * * * *

(n) Persons who have been ordered to report for preinduction medical examination or other appropriate processing usually conducted immediately preceding induction under the Selective Service Act or Military Selective Service Act of 1967 and persons classified 1–A unless they obtain statements from their Selective Service Boards that they are not scheduled for induction within the following 120 days. Persons who have applied and who subsequently are classified 1–A may remain eligible for consideration until the date of notification to report for induction, at which time they become ineligible for further consideration or appointment.

* * * * *

§ 881.12 Age, education, experience, and grade requirements.

* * * * *

(e) *Determination of grade and limitations for award of constructive service.* The education possessed by an applicant that is pertinent to the specialty will be converted to constructive credit by years, as indicated in the following table.

If applicant holds a:	The amount of constructive service awarded will be:
1. Baccalaureate degree (except nursing).	0 year.
2. Baccalaureate degree in nursing or a field allied to nursing.	1 year.
3. Dietetic internship or a certificate in occupational or physical therapy.	1 year.
4. Master's degree.	1 year.
5. Master's degree in nursing or a field allied to nursing, dietetics, occupational or physical therapy.	1 year (see note).
6. Doctor of Philosophy, Bachelor of Divinity, Bachelor of Laws, Doctor of Veterinary Medicine, or equivalent degree.	3 years.
7. Degree in Medicine, Dentistry, or Osteopathy.	4 years.

NOTE: The 1 year awarded under Rule 5 is in addition to that awarded under Rules 2 and 3. No additional constructive service is authorized if the Master's degree was obtained while gainfully employed.

Total experience by year, month, and day possessed by an applicant on the date of application that is pertinent to the specialty and in excess of that required for appointment as second lieutenant will be converted to constructive service by year, month, and day, on a day-for-day basis. The constructive education and experience thus possessed by an applicant on the date of application will then be applied in accordance with the table at the end of this paragraph to determine the grade in which the applicant may be appointed. The award of constructive credit will be limited to the minimum amount required for appointment in the determined grade. For example, 3 years for appointment in grade of first lieutenant and 7 years for captain. This rule will apply to all categories except:

(1) Medical (includes Osteopaths), dental, and veterinary officers.

(2) Nurses, dietitians, occupational therapists, and physical therapists appointed in grades below captain.

(3) Former Regular Air Force officers appointed as Reserve officers in accordance with § 881.7(b).

(4) Reappointment of former rated officers in accordance with § 881.7(b).

* * * * *

Subpart C—Application and Processing Procedures

3. Section 881.13 is amended by revising paragraph (a)(9); §§ 881.14 and 881.15 are revised. These sections now read as follows:

§ 881.13 Method of application.

(a) * * *

(9) A certificate similar to the following, except for women and chaplain applicants:

I certify that I have not been ordered to report for induction under the Military Selective Service Act of 1967. After submitting application for appointment as a Reserve of the Air Force, I further understand that any appointment, enlistment, or order to active military service in a branch of the service other than the Air Force automatically renders me ineligible to accept an appointment as a Reserve of the Air Force.

* * * * *

§ 881.14 Appointment without referral to a board of officers.

Any person who receives a notice of induction under the Military Selective Service Act of 1967, is allocated to the Air Force, and is otherwise qualified for appointment as a physician or dentist in a grade higher than major, will be appointed in such grade without referring his case to a board of officers. If the overall Reserve grade ceiling established by law will be exceeded, a temporary appointment will be tendered.

§ 881.15 Testing.

(a) Each applicant, with the exception of former officers and those covered in Subparts E and F of this part, and those

applicants for appointment under § 881.34, and as Dietitians, Occupational Therapists under Subpart H of this part, will be administered the Air Force Officer Qualifying Test (AFOQT) in accordance with current and appropriate instructions for administering and scoring of the AFOQT battery, to derive the following:

(1) Pilot aptitude.
(2) Navigator technical aptitude.
(3) Officer quality.
(4) Verbal aptitude.
(5) Quantitative aptitude.

(b) The AFOQT will be administered by a properly designated test control officer or by authorized personnel of the Recruiting Service. A certified document of aptitude scores will be attached to the application for those successfully completing the AFOQT.

Subpart F—Appointment of Physicians, Dentists, Veterinarians, and Nurses

4. Section 881.24 is amended by revising paragraph (b); § 881.25 is amended by adding a new paragraph (c); § 881.26 is revised; paragraph (a)(3) of § 881.28 is revised and a new paragraph (c) is added to § 881.30. These sections read as follows:

§ 881.24 Application.

* * * * *

(b) Nurses must submit one official copy of transcript of grades from all schools of nursing, colleges, or universities; and of any postgraduate training, such as anesthesia.

* * * * *

§ 881.25 General qualifications for appointment.

* * * * *

(c) Draft-liable physicians are ineligible for Reserve appointments for the purpose of assignment to a Reserve unit, including those of the Air National Guard of the United States.

§ 881.26 Doctors of medicine.

(a) Appointment as first lieutenant:

(1) For appointment as first lieutenant, the applicant must:

(i) Be a graduate of a medical school approved by the Surgeon General or a foreign medical school, and furnish evidence of a permanent certification by the Education Council for Foreign Medical Graduates or permanent and unrestricted licensure in a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States.

(ii) Have completed 1 year internship and be engaged in the ethical practice of medicine.

(iii) Possess a license to practice medicine in a State or in the District of Columbia, or possess a diploma from the National Board of Medical Examiners.

(2) License and actual engagement in practice may be waived for graduates of approved medical schools and for those who have attained permanent certification by the Educational Council for Foreign Medical Graduates. Application for appointment must be made within 1 year after the completion of internship or residency training, provided that formal postgraduate medical training has been continuous and uninterrupted since receipt of medical degree.

(b) Regardless of the provisions of paragraph (a)(1) (ii) and (iii) of this section, reappointment as first lieutenant will be tendered to persons who successfully complete:

(1) The Senior Medical Student Program.

(2) Medical school under the Air Force Early Commissioning Program.

(c) Appointment in higher grade: For appointments in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following minimum additional professional experience, including internship residency, fellowship, or other graduate study at a hospital, public health agency, school of public health, research institute, laboratory, medical college, recognized teaching center, or similar institution.

(1) *Captain.* Applicants must be engaged in the practice of medicine in environments normally associated with high professional standards. Applicants possessing these qualifications, who have had 3 years of actual experience, are qualified for appointment in the grade of captain.

(2) *Major.* Applicants must have had a period of intensive postgraduate training in a medical specialty, sufficiently prolonged and of a caliber to insure the optimum in professional knowledge and technique, as judged by the standards normally associated with recognized teaching centers. Applicants for direct appointment in the grade of major or higher must ordinarily have been certified by one of the American specialty boards. Applicants possessing these qualifications, who have had 10 years actual experience, are qualified for appointment in the grade of major.

(3) *Lieutenant colonel.* Applicants must have achieved such unequivocal prominence as to make them authorities in their field. An example of such applicants is: A person who is an outstanding contributor to scientific research and to the development of the specialty under consideration. Applicant possessing these qualifications, who have had 17 years actual experience, are qualified for appointment in the grade of lieutenant colonel.

(4) *Colonel.* Applicants who have achieved the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel, and have had 19 years actual experience are qualified for appointment in the grade of colonel.

§ 881.28 Doctors of dentistry.

(a) * * *

(3) Applications from dental students may be accepted and processed before receipt of the qualifying degree. The applicant must furnish a statement from the institution indicating he has completed all the degree requirements or is expected to do so within 7 months. If otherwise qualified, the applicant will be tendered an appointment generally between 150 to 180 days before graduation. After appointment and following graduation, the officer concerned must furnish evidence that the degree has been conferred and all other applicable requirements have been met. Officers so appointed who do not successfully complete their educational requirements or fail to receive the qualifying degree will be discharged under AFR 45–41 (Administrative Separation of Officer Members of the Air Force Reserve). At time of application, each student will be required to sign the following certificate, which will become a part of his permanent file:

I understand that if appointed, continuation in the appointment is contingent upon my completing the requirements of the appropriate degree and that failure to receive my graduate degree on _____ will result in the termination of my appointment as a Reserve of the Air Force. (Authority: AFR 45–41.) Upon meeting the qualifications for appointment, I agree to serve a minimum of 2 full years on extended active duty unless sooner relieved by proper authority.

_____ _____
(Date) (Signature)

* * * * *

§ 881.30 Nurses.

* * * * *

(c) *Appointment for training.* Applicants who meet appointment criteria may be appointed in the grade for which qualified and ordered to active duty for completion of final 12 months of degree requirements (see AFR 36–46 Medical Service Officer Procurement Programs for In-Service Training). After appointment and following graduation, the officer concerned must furnish evidence that the degree has been conferred and all other applicable requirements have been met. Officers so appointed who do not successfully complete their educational requirements or fail to receive the qualifying degree will be discharged under AFR 36–12 (Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force). At the time of application, each student will be required to sign the following certificate, which will be filed in his unit personnel records as a permanent document:

I understand that if appointed, continuation in the appointment is contingent upon my completing the requirements of the appropriate degree and that failure to receive my degree will result in termination of my appointment as a Reserve of the Air Force. (Authority: AFR 36–12). Upon being ordered to active duty, I agree to serve a minimum of 4 full years unless sooner relieved by proper authority.

_____ _____
(Date) (Signature)

Subpart H—Appointment of Officers in the Biomedical Sciences Corps

5. Sections 881.39 and 881.48 are revised; and new § 881.49 is added. These sections now read as follows:

§ 881.39 Appointment for training.

Applicants (excluding married women) who are 21 but not 28 years of age may be appointed as second lieutenants and ordered to active duty to complete training in one of the following courses:

(a) *Dietetic training.* Applicant must possess a bachelor's degree and have been accepted for an approved dietetic internship.

(1) Appointment of dietetic students before graduation may be made in substantially the same manner as that prescribed for dental students in § 881.28 (a)(3). At the time of application, each student is required to sign the following certificate, which will be filed in his unit personnel records as a permanent document:

I understand that if appointed, continuation in the appointment is contingent upon my completing the requirements for a baccaulaureate degree and an approved dietetic internship. Failure to complete requirements will result in the termination of my appointment as a Reserve of the Air Force. (Authority: AFR 36–12). Upon being ordered to active duty, I agree to serve a minimum of 4 full years unless sooner relieved by proper authority. Active duty will consist of the following:

12 months—Dietetic Internship.
6 months—Additional dietetic training at a USAF hospital.
30 months—Duty assignment as a dietitian at a USAF hospital.

---------- ----------
(Date) (Signature)

(b) *Occupational therapy training.* Applicant must be enrolled in the final year of an approved course leading to a bachelor's degree and have completed all but the final year of an approved certificate course in occupational therapy.

(c) *Physical therapy training.* Applicant must possess a bachelor's degree and have been accepted for an approved certificate course in physical therapy; or be enrolled in the final year of an approved course leading to a bachelor's degree in physical therapy.

(d) *Qualifying evidence.* After appointment and following graduation, each officer who has been appointed under paragraphs (b) and (c) of this section must furnish evidence and the applicable degree has been conferred and all other applicable requirements have been met. Officers so appointed who do not successfully complete their educational requirements, or who fail to receive the qualifying degree, will be discharged under AFR 36–12. At the time of application, each student is required to sign the following certificate, which will be filed in his unit personnel records as a permanent document:

I understand that if appointed, continuation in the appointment is contigent upon my completing the requirements for certification in (physical/occupational) therapy. Failure to meet certification requirements will result in the termination of my appointment as a Reserve of the Air Force. (Authority: AFR 36–12.) Upon being ordered to active duty, I agree to serve a minimum of 4 full years unless sooner relieved by proper authority.

---------- ----------
(Date) (Signature)

§ 881.48 Psychiatric social worker (AFSC 9191).

(a) *Grade.* Appointments for duty in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master's degree in social work.

(c) *Area of experience.* Qualifying experience must be that gained in psychiatric case work positions, including administration of psychiatric social work programs as a member of the psychiatric team.

§ 881.49 Biomedical therapist (AFSC 9261).

(a) *Grade.* Appointments for duty in this specialty may be made in grades of second lieutenant through lieutenant colonel as determined under § 881.12.

(b) *Education.* For podiatrists (AFSC 9261A), the minimum educational requirement is a Doctor of Podiatry degree from a school or college of podiatry. For all other subspecialties (AFSC 9261B, Audiologist; AFSC 9261C, Speech Therapist; and AFSC 9261D, Special), the minimum educational requirement is a master's degree in the appropriate specialty. All degrees must be from accredited institutions of higher learning acceptable to the Surgeon General, USAF.

(c) *Area of exprience.* Qualifying experience must be that gained in full-time positions as a podiatrist, audiologist, speech pathologist, rehabilitation therapist (including providing care and treatment for human ailments) or planning, directing, and conducting research in the pertinent professional area of practice. License to practice in the pertinent specialty, when appropriate, or registration or certification by the special national accreditation body is mandatory. Licensure, registration or certification may be waived for individuals appointed within 1 year after date of graduation.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 10 U.S.C. 591, 593, 8067, 8353, 8358, 8359, and 8444, except as otherwise noted)

SOURCE: AFM 36–5, May 28, 1968.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 68–12413; Filed, Oct. 11, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.4—Procurement Authority and Responsibility

Subpart 9–1.52—Procurement by Cost-Type Contractors

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

The following additions to the AEC Procurement Regulations establish a policy and give guidance on the subject of disputes clauses in subcontracts.

1. The following section is added to Subpart 9–1.4—Procurement Authority and Responsibility:

§ 9–1.452 Disputes provisions in subcontracts under fixed-price prime contracts.

A contracting officer shall not authorize or approve the inclusion of a provision requiring his decision of disputes and providing for an appeal therefrom to the Commission (or any component organization or board) in subcontracts under any fixed-price prime contracts.

2. The following paragraph (l) is added to § 9–1.5203, *AEC basic procurement policies for cost-type contractors:*

§ 9–1.5203 AEC basic procurement policies for cost-type contractors.

* * * * *

(l) Subcontracts and purchase orders for supplies, services, materials, etc., for the AEC work normally should include provisions for resolving disputes to the same extent and in the same manner as in similar AEC direct contracts. A disputes clause which can be used to carry out this policy is set forth in AECPR 9–7.5004–3(b).

3. Section 9–7.5004–3, *Disputes,* is revised by lettering the first paragraph (a), deleting the present note, and adding new paragraphs (b) and (c). As amended, § 9–7.5004–3 reads as follows:

§ 9–7.5004–3 Disputes.

(a) See FPR 1–7.101–12.

(b) Subcontracts: The following clause implements AECPR 9–1.5203 with respect to disputes provisions in cost-type contractor procurement documents:

DISPUTES CLAUSE

(1) Except as otherwise provided in this ----------,[1] any dispute concerning a question of fact arising under ----------[1] which is not disposed of by agreement shall be decided by the AEC Contracting Officer for the prime contractor's Contract No. ------, who shall reduce his decision to writing and

[1] Insert subcontract, purchase order, etc., as appropriate.

mail or otherwise furnish a copy thereof to the prime contractor and the _____.[2] The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy the _____[2] mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Commission. The decision of the Commission or its duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the _____[2] shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the _____[2] shall proceed diligently with the performance of the _____[1] and in accordance with the Contracting Officer's decision.

(2) This disputes clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (1) above: *Provided*, That nothing in this _____[1] shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(c) The authority of the Commission to make decisions under the disputes clause in paragraphs (a) and (b) of this section is presently delegated to the AEC Board of Contract Appeals. See 10 CFR Part 3.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 7th day of October 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 68-12423; Filed, Oct. 11, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4270]

[Riverside 753]

CALIFORNIA

Transfer of Jurisdiction Over Oil and Gas Deposits (Veterans Administration Center)

Correction

In F.R. Doc. 67-10886 appearing at page 13192 of the issue for Saturday, September 16, 1967, make the following change: In the first paragraph of Parcel B, 5th line from the bottom, beginning with the word "thence", the description should read "thence along said southwest line north 35°30'00" west 978.65 feet, more or less; thence south 54°30'25" west a distance of 1,221.50 feet, more or less; thence north 35°32'45" west a distance of 1,466.42 feet, more or less, to point of beginning."

[1] Insert subcontract, purchase order, etc., as appropriate.

[2] Insert subcontractor, seller, etc., as appropriate.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Arizona and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Havasu Lake National Wildlife Refuge, Ariz. and Calif., is permitted from October 19, 1968, through January 12, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 13,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1969.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted from October 19, 1968, through January 12, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1969.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Kirwin National Wildlife Refuge, Kans., is permitted as follows: Ducks and coots, from November 2 through December 1, 1968, inclusive; geese, from October 12 through December 15, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1968.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Quivira National Wildlife Refuge, Kans., is permitted from October 12 through December 15, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,030 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1968.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted as follows: Ducks and coots, from November 23, 1968, through January 1, 1969, inclusive; geese, from November 23, 1968,

through January 15, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,321 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1969.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from November 25, 1968, through January 15, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 4,700 acres in Unit A and 1,300 acres in Unit B, is delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following conditions:

Unit A: (1) Bag and possession limits and shooting hours as prescribed by State regulations.

(2) Access is from the refuge headquarters entrance or from Highway 380 via the Bureau of Reclamation east channel road.

(3) A hunter may use not more than two dogs to retrieve wounded or dead birds.

(4) Hunters shall leave the refuge by one-half hour after sunset.

Unit B: (1) Hunters are assigned to established blinds in accordance with a public drawing held by the New Mexico Department of Game and Fish. Only persons with a valid permit for that particular day will be admitted. Hunting is permitted on Tuesdays, Thursdays, and Saturdays from November 26, 1968, through January 4, 1969, inclusive. Shooting hours are from sunrise to noon. Hunting is permitted only from the assigned blind.

(2) Bag and possession limits: 2 geese, which may not include more than in the alternative 1 Canada goose or subspecies or 1 white-fronted goose.

(3) Hunters shall check in no later than one-half hour before sunrise and check out at the station in person no later than noon. During a 1-day hunt period, no hunter shall take more than 6 rounds of ammunition, or fire more than 6 rounds while hunting from his assigned blind.

(4) Hunting with dogs is prohibited in this unit.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1969.

UTAH

FISH SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Fish Springs National Wildlife Refuge, Utah, is permitted from October 12, 1968, through January 5, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,587 acres, is delineated on maps available at refuge headquarters, Dugway, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1969.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Pathfinder National Wildlife Refuge, Wyo., is permitted as follows: Ducks and coots, from October 19 through November 20, 1968, inclusive, and drake mallards, from December 21, 1968, through January 12, 1969, inclusive; geese, from October 19 through December 31, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters, Laramie, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1969.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

OCTOBER 7, 1968.

[F.R. Doc. 68-12445; Filed, Oct. 11, 1968; 8:48 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, N. Mex., is permitted from November 2 through November 11, 1968, inclusive. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1968.

JOHN H. KIGER,
Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, N. Mex.

SEPTEMBER 23, 1968.

[F.R. Doc. 68-12446; Filed, Oct. 11, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

NURSERY STOCK, PLANTS, AND SEEDS

Importation

Notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553, that pursuant to sections 1 and 7 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 160), it is proposed to amend §§ 319.37(b) and 319.37–19(c), respectively, relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37(b), 319.37–19(c)), in the following respects:

1. Amend the tabular columns in § 319.37(b) by deleting all wording relating to "*Ribes nigrum* (both plants and seeds)"; and by changing the wording relating to "*Ribes nigrum*" and the wording relating to "*Pinus* spp. (5-leaved)" and adding a new item "*Ribes* spp. (plants and seeds)"; to read, respectively, as follows:

Plant material	Foreign country or countries from which prohibited.	Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material.
Pinus spp. (5-leaved)	All foreign countries when destined to any of the following States: Massachusetts, Michigan, New York, West Virginia, Wisconsin.	Cronartium ribicola Fischer (White-pine blister rust).
Ribes spp. (plants and seeds)	All foreign countries when destined to any of the following States: Massachusetts, Michigan, New York, West Virginia, Wisconsin.	Cronartium ribicola Fischer (White-pine blister rust).
Ribes nigrum	England and New Zealand	Aphelenchoides ritzemabosi (Schwartz) Steiner (Black currant eel worm).
	British Isles and Sweden	Acrogenus ribis Burk. (Black currant reversion disease virus).

2. Amend § 319.37–19(c) by revising the tabular columns to add a new item "*Ribes* (species producing edible fruit)" and to change the wording relating to "*Ribes nigrum*", to read as follows:

Plants to be grown under postentry quarantine	*Where imported from—*
Ribes (species producing edible fruit).	All foreign countries except Canada, except that these species may not be grown under postentry quarantine in any of the following States: Massachusetts, Michigan, New York, West Virginia, Wisconsin.
Ribes nigrum	All foreign countries except British Isles, Canada, New Zealand, and Sweden, except that this species may not be grown under postentry quarantine in any of the following States: Massachusetts, Michigan, New York, West Virginia, Wisconsin.

(Secs. 1, 5, 7, 37 Stat. 315–317, 7 U.S.C. 154, 159, 160, as amended; 29 F.R. 16210, as amended; 30 F.R. 5799)

These proposed amendments would recognize the revocation on October 29, 1966, of the former white-pine blister rust quarantine No. 63 that regulated the interstate movement of *Ribes nigrum*, thereby making the individual States responsible for measures to prevent the interstate spread of the white-pine blister rust disease.

The purposes of these amendments are (1) to cooperate with those states desiring protection against white-pine blister rust disease by prohibiting the importation of *Ribes* spp. and *Pinus* spp. (5-leaved) into such states from all foreign countries in furtherance of action already taken by those states to suppress the disease that might be introduced with such plants; (2) to add Sweden to the list of countries from which importation of *Ribes nigrum* is prohibited on account of the black currant reversion disease virus; and (3) to change the scientific name of the black currant eel worm.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 45 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of October 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68–12438; Filed, Oct. 11, 1968; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932; 33 F.R. 11265), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by said committee, in accordance with this part, during the period September 1, 1968, through August 31, 1969, will amount to $279,500; and

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at $6.50 per ton, or equivalent quantity, of olives.

Terms used in the amended marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 9, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12441; Filed, Oct. 11, 1968; 8:47 a.m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of Walnut Control Board and Rates of Assessment for 1968–69 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1968–69 marketing year beginning August 1, 1968. This proposal is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board has unanimously recommended a budget of expenses in the total amount of $124,250, and assessment rates of 0.10 cent per pound of inshell walnuts and 0.20 cent per pound of shelled walnuts. These rates will be applied to all merchantable walnuts handled or declared for handling during the 1968–69 marketing year. Such rates of assessment are expected to provide sufficient funds to meet the estimated expenses of the Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.320 Expenses of the Walnut Control Board and rates of assessment for the 1968–69 marketing year.

(a) *Expenses.* The expenses in the amount of $124,250 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1968, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 0.10 cent per pound for merchantable inshell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

Dated: October 9, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68-12442; Filed, Oct. 11, 1968; 8:47 a.m.]

[7 CFR Part 1033]

[Docket No. AO-166-A39]

MILK IN GREATER CINCINNATI MARKETING AREA

Decision on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on September 25, 1968, pursuant to notice thereof issued on September 17, 1968 (33 F.R. 14302).

The material issues on the record of the hearing relate to:

1. Level of the stated Class I price differential.
2. The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Class I price differential should be reduced from $1.34 to $1.30.

The Class I price is determined by adding a differential of $1.34 to the basic formula price (which by amendment effective May 1, 1968, is maintained at not less than $4.33 through April 1969), adding an additional 20 cents (through April 1969) and by adding or subtracting a supply-demand adjustment. The supply-demand adjustor is based on the changing relationship of combined supplies and sales for the Miami Valley, Ohio, and Greater Cincinnati markets. The supply-demand adjustor added an average of 21 cents in 1967 but in the recent months of September and October 1968, it has added a maximum 39 cents to the Class I price.

Cooperative associations representing more than three-fourths of the producers in the market proposed that the stated Class I price differential in the order be reduced to $1.30. The associations' representative maintained that unless the Class I price differential is reduced in line with the level of differentials in nearby Federal order markets, handlers will be disadvantaged in competing for Class I sales. The cooperatives also pointed out that unless they are in position to retain some reserve from the proceeds resulting from negotiated prices for the purpose of operating the market "freight pool," the supply of milk for this market in the coming short production season will be jeopardized.

In support of their position, the cooperatives compared the present order Class I price differential of $1.34 with differentials in other nearby Federal order markets which compete for supplies and sales. Class I differentials (excluding the emergency 20 cent increase effective May 1, 1968) in competing markets are as follows:

Fort Wayne	$1.20
Miami Valley	1.24
Columbus	1.25
Indianapolis	1.27
Louisville-Lexington-Evansville	1.29

Proponents contended that a closer alignment with such other Federal order markets is appropriate pending a planned review of Class I prices for several nearby Federal orders in this area in the near future.

A major cooperative in the market assumes responsibility for the movement of producer milk among pool distributing plants to satisfy changing day-to-day requirements of such plants. Such milk is procured in several ways. A large proportion is delivered direct from farms to city plants with all hauling costs paid by producers. Some milk is received from a supply plant with the attendant handling cost to handlers. Substantial quantities are reloaded in northern Indiana, at distances of 200 to 250 miles from Cincinnati. Such milk has been subject to hauling subsidies paid by handlers because of competition with other fluid milk markets drawing milk supplies from the same area. At times the cooperative obtains needed supplemental supplies from distant supply plants. Thus, Cincinnati handlers have experienced varying costs for producer milk.

The cooperative has operated the freight pool for about 1½ years as a means of equalizing among handlers costs associated with the hauling of milk both from producers' farms and from supply plants. Handlers in the market are in accord with the freight pool and have cooperated in its operation.

Prior to September 1968, the cooperative accumulated, for the purpose of operating the freight pool, certain funds resulting from the difference of the negotiated Class I price over the order minimum class price. However, in September the order minimum Class I price of $6.26 for the first time exceeded the present negotiated Class I price of $6.25. This was the result of a change in the supplies-sales relationship for the Miami Valley and Cincinnati markets which caused the supply-demand adjustor to reach the maximum level of plus 39 cents. Producers contend that with current tight supply conditions, the supply-demand adjustor is likely to remain at such level for the next few months.

As a consequence, the cooperative must utilize funds derived from its members to offset the costs of securing the necessary supplies to meet handlers' requirements. The cooperative pointed out that freight pool costs were over $20,000 in July 1968 and $18,000 in August. During the past year they have amounted to as much as $38,000 per month. It was their position that unless immediate relief is granted the cooperative will not be able to secure an adequate supply of milk in the next several months to meet all fluid milk requirements of handlers without undue expense to its members. The alternative would be to abandon the freight pool which has worked well as a procurement device.

A representative of three of the largest handlers urged adoption of producers' proposal to reduce the Class I price differential. It was the handlers' position that the present differential ($1.34) has tended to encourage handlers from nearby Federal order markets to expand Class I sales in the Greater Cincinnati market. They pointed out that recently a Miami Valley handler has secured substantial sales in the market which were formerly served by a Cincinnati handler. Handlers pointed out further that because of the cooperation between cooperatives and handlers in the allocation of supplies in conjunction with operation of the freight pool it has been possible to better utilize producer milk in Class I. Handlers supported prompt action on the producers' proposed price reduction.

The requested Class I price differential ($1.30), if effective, would have provided an average Class I price during 1967 of $5.73 as compared to $5.77 under the present order and during the period January through September 1968, $6.01 as compared to $6.05. Such a level would have reduced by four cents the differences by which the Class I price under the Greater Cincinatti order has exceeded minimum order Class I prices in all nearby competing order markets. For example, order Class I prices in 1967 were as follows: Fort Wayne, $5.46; Indianapolis, $5.53; Northwestern Ohio, $5.55; Louisville - Lexington - Evansville, $5.64; Miami Valley, $5.67; and Columbus, $5.68. Similar order Class I price relationships have continued for the period of January through September 1968: Fort Wayne, $5.63; Indianapolis, $5.70; Northwestern Ohio, $5.78; Columbus, $5.79; Louisville-Lexington - Evansivlle, $5.86; and Miami Valley, $5.95.

There was no opposition to the proposal. Adoption of the proposal will promote the orderly marketing of milk by assisting supply procurement and by improving price alignment with other nearby Federal order markets in Ohio, Indiana, and Kentucky.

2. Emergency action: The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and an opportunity for exceptions thereto. The conditions in this market are such that it is urgent that remedial action be taken as soon as possible to assist cooperatives in their efforts to supply handlers in the Cincinnati market with their necessary fluid milk requirements. Any delay in informing interested parties of the conclusions made will tend to make ineffective the relief sought. It is necessary that milk handlers know promptly and with certainty the basis upon which the order minimum Class I prices which they will pay are to be determined.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendment. Action under the procedure prescribed above was requested by all cooperative associations and handlers taking part in the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on proposed findings and conclusions. The period from the close of the hearing through September 27, 1968, was allowed for the filing of briefs. None were filed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Greater Cincinnati Marketing Area" and "Order amending the order regulating the handling of milk in the Greater Cincinnati Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Greater Cincinnati marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on: October 9, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area

§ 1033.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1033.51, the introductory text of paragraph (a) is revised to read as follows:

§ 1033.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.30 plus 20 cents through April 1969, and plus or minus a "supply-demand adjustment" of not more than 39 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

* * * * *

[F.R. Doc. 68-12421; Filed, Oct. 11, 1968; 8:45 a.m.]

[7 CFR Part 1104]

[Docket No. AO-298-A14]

MILK IN RED RIVER VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Red River Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended were formulated was conducted at Wichita Falls, Tex., on August 15, 1968, pursuant to notice thereof which was issued August 2, 1968 (33 F.R. 11299).

The material issues on the record of the hearing relate to:

1. Cooperative associations as handlers for milk delivered from farms to pool plants in bulk tanks;
2. Division of 2 percent shrinkage allowance;
3. The definition of "route";
4. Interest on unpaid obligations; and
5. Deletion of the base-excess plan of payment to producers.

This decision is concerned with Issues 1 through 4. A separate decision was issued on Issue 5 on September 13, 1968 (33 F.R. 14117).

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Any cooperative association of producers which delivers milk of its producers from the farm directly to pool plants of other handlers in a tank truck owned or operated by such association or under the control of such association, by contract or otherwise, to the extent that such association supervises and controls the determination of farm weights and tests of its member milk should be defined as a handler.

The cooperative association in this market often takes responsibility for delivery of milk from producers' farms to regulated plants. Such delivery is provided in tank trucks. Each truckload of milk usually contains the production of several farmers.

The quantities of milk and the butterfat content thereof received from each producer constitute in the aggregate the skim milk and butterfat in the pool and must be reported to the market administrator. Under the bulk tank handling procedure described above, the cooperative association is in control of the information as to the quantities of milk and the butterfat tests thereof received from each producer. After the milk is commingled with milk of other producers in a tank truck there is no further opportunity to measure, sample, or reject the milk of an individual producer. Therefore, when weighing and testing are conducted under the direct supervision and control of a cooperative association the cooperative should be the handler responsible for reporting receipts of milk from member-producers and its disposition to other plants, for pooling any such milk not so disposed of, and for payments to individual producer-members.

Producers proposed that a cooperative association should be the handler on bulk tank milk delivered directly from farms to a pool plant of another handler only at its option. They proposed that upon notification by the cooperative association to the market administrator and the operator of the pool plant in writing prior to delivery, the transferee handler would be the responsible handler. For the reasons set forth above, a cooperative association should be the handler whenever it is performing the functions described, rather than on an elective basis.

As an alternative in the event that opportunity to elect handler status should be denied, proponents suggested that the cooperative and pool plant operator could agree that the pool plant operator could be the handler if he purchased milk on the basis of farm weights and tests as determined by the cooperative association. By the means hereinafter provided for assignment of shrinkage allowances the same result is achieved where farm weights and tests are the basis for receipt at the pool plant.

The cooperative association based its need for handler status on an elective basis primarily upon the problems to be encountered in a few instances when milk of producers who are not members of a cooperative association is commingled in the same tank truck with milk of member producers before delivery to a pool plant. It claims that in some instances the association contracts only for the hauling rates to apply on its member milk, in which case, it does not effectively control the weights and sampling either of its members' milk or the milk of nonmembers. Even in those situations when the cooperative has control of the weights and sampling of member milk on a truck load but does not have such control on nonmember milk it would be impossible to distinguish separately by physical measurement the shrinkage associated with cooperative milk from that occurring on nonmember milk.

Accordingly, the conditions under which the cooperative association is required to be the handler should specify that the cooperative supervise and control the determination of farm weights and tests of its member milk. In such cases it would be appropriate for the cooperative association to be the handler of the member milk in such commingled bulk tank.

The handler operating the pool plant may accept the cooperative association farm weights and tests of its member milk, in which case the commingling of such milk with other milk presents no problem in determining how much milk was received from the cooperative association at the pool plant. If, however, such farm weights are not accepted, means should be provided for determination of the quantity of member milk received at the pool plant in a tank truck in which member and nonmember milk is commingled and the total quantity received at the pool plant differs from the total of farm weights. The farm weights of all milk in the truck have been determined by the same person who has also taken farm samples for butterfat testing. The weight of milk received from the cooperative assocciation should be the same proportion of the total receipts at the plant as it was of the total receipts determined at the farm. The butterfat content of the plant receipts from the cooperative must be determined from the test of samples taken at the farm applied to the quantity determined by this proration. These procedures provide the most equitable method of determining the quantity of milk delivered by a cooperative association if farm weights are not accepted as the basis of settlement for commingled milk.

The cooperative is the only party in a position to make payments to the individual producers whose milk it picks

up for delivery in bulk tanks. Consequently, it is necessary that the cooperative settle with individual producers according to the quantity of milk received from each of them. The order uniform price of such milk is that applicable at the pool plant to which delivery is made.

The operator of the pool plant to which a cooperative association delivers milk picked up at the farm in a bulk tank is the handler in control of the utilization of the milk so received. He should therefore be responsible for reporting its utilization, and for its value at the class prices applicable to such utilization. This can be accomplished by treating such milk the same as receipts of other producer milk at the pool plant.

The pool plant operator would be responsible to the producer-settlement fund and for administrative expense assessment on milk it received from the cooperative. The pool plant operator would be charged the class prices based on his utilization for milk he received at his plant from the cooperative and would pay the cooperative association bulk tank handler the minimum uniform price for such milk, the same as for milk received from an individual producer. This procedure simplifies any adjustments based upon audit of the handler's records.

The separate responsibilities of the respective handlers when a cooperative delivers bulk tank milk of its members to pool plants of other handlers require changes in certain other order provisions. These include the "producer milk" definition, some change in reporting requirements, and payment provisions (including administrative expense). The revised reporting requirements in turn change a reference used in defining the obligations of a partially regulated distributor. These changes in provisions do not otherwise alter the obligations of any handler.

2. Provision should be made for division of the two percent shrinkage allowance on milk for which a cooperative association is the bulk tank handler and on milk moved between plants.

When a cooperative is performing in its capacity as a bulk tank handler, a division of shrinkage allowance on milk it handles is necessary if such milk is not accepted by the pool plant operator on the basis of farm weights and tests.

Provision should be made that the pool plant operator who acounts for milk received from the cooperative association handler on the basis of farm weights and tests may account for up to two percent of such receipts in Class II as shrinkage but if the quantity of such receipts is determined otherwise, the allowable Class II shrinkage to the plant operator is 1.5 percent, with up to one-half percent shrinkage allowance to the cooperative association. Other methods which may be used to determine the weights and tests of plant receipts must be such that the market administrator is enabled to determine the accuracy of the quantities of skim milk and butterfat in milk for which the receiving handler is responsible.

The order presently provides a shrinkage allowance of two percent of receipts from producers and of receipts from other order plants and unregulated supply plants except as designated for Class II use. The division of this shrinkage allowance provided with respect to milk delivered by a cooperative association acting as a bulk tank handler recognizes that part of the handling in which shrinkage occurs has taken place prior to receipt at the plant of ultimate disposition. In this case, the milk collected at the farm is measured at the farm. Some loss would normally occur during the transfer operation between the farm and the plant. Unless the plant operator accepts the milk at farm weights and tests, the cooperative association is the handler responsible for the classification of the milk lost. A shrinkage allowance of not more than one-half percent to be classified as Class II milk should be provided.

It was also proposed that the shrinkage allowance be similarly divided when milk is moved between plants, or is diverted to nonpool plants. In such cases a portion of the handling in which shrinkage occurs takes place in different plants, or between the farm and nonpool plant. The proportion of one-half percent to the plant which receives milk and 1.5 percent to the plant to which milk is moved after receipt is commonly used in Federal orders for this purpose, and is considered reasonable under normal circumstances. It should be adopted in the Red River Valley order.

To provide equitable application of the shrinkage provisions to all handlers who may have various kinds of milk receipts, the order should provide 1.5 percent shrinkage allowance on receipts of bulk Grade A fluid milk products from other milk plants, except other order and other source receipts for which Class II use is designated. Likewise, provision should be made for reduction of a handler's total shrinkage allowance by 1.5 percent of movements to other milk plants. With respect to milk diverted between pool plants, the present provision which assigns the 2 percent allowance to the plant at which the milk is received is continued. With respect to diversions to nonpool plants, the division of shrinkage is determined by whether farm weights and tests are used as the basis of receipt at the nonpool plant. If farm weights and tests are used, there is no shrinkage allowance to the diverting handler. If other methods are used, one-half percent is provided for such handler.

3. A definition of "route disposition" should be incorporated in the order to define clearly the meaning of the term and to assist in identifying those plants to be regulated under the order. At the present time the order does not contain a definition of route or route disposition although the term is used a number of times in other provisions of the order.

The term "route disposition" would mean the delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

Fluid milk products may be delivered through another milk plant. Such delivery might then be considered a route disposition of both the processing and packaging plant and the plant through which disposition is made to the ultimate consumer.

Only one distributing plant should be credited for purposes of pooling with route deliveries of the same milk. To avoid duplicate credit for route disposition, all deliveries to other milk plants are excluded from the definition of "route disposition."

4. A provision should be included in the order to require the payment of interest on amounts due from handlers to the market administrator for each month or portion thereof that such obligation is overdue on any unpaid obligation due to the producer-settlement fund, marketing service fund, and administrative expense fund.

This provision is included in many other orders. Inclusion of such provision in this order will tend to assure prompt payment of amounts due and is essential to effective operation of the order. The establishment of an interest charge will have no effect on handlers who consistently pay their obligations promptly.

The purpose of interest payments on overdue obligations is to encourage prompt payment of amounts due on or before the specified date. If amounts owed are not paid on time, other persons are affected in that payments from the several accounts would of necessity be reduced until the obligations were paid. The half percent per month rate provided is comparable to the cost of borrowing money under normal business practices. Interest would be computed on the first day of the month next following the due date and would be compounded on the first day of each month thereafter until paid.

Interest payments should be limited to obligations due to the market administrator from handlers. The proposal of the principal cooperative supplying the market to apply an interest charge to obligations payable by the market administrator from the producer-settlement fund, marketing service fund, and administrative fund should not be adopted. These funds are only in the custody of the market administrator who simply collects and disburses them in accordance with the order terms.

Neither should interest be charged, as proposed, on unpaid obligations owed by handlers to producers or cooperative associations of producers. No showing was made on the record that any handlers have been delinquent in payments to cooperative associations or individual producers.

In this market, handlers pay more than the minimum order price for milk in Class I uses. These payments could impair the collection of interest charges because of a difficulty in ascertaining the difference between what handlers are required to pay at the minimum order

prices and what they have actually paid for milk. There is some question as to whether the market administrator could enforce payment of interest charges when handlers customarily pay prices above the order minimums.

Handlers and cooperatives in this market have frequently entered into contracts and agreements on the prices paid for milk. The cooperative as the marketing agent for its producers has authority to contract with purchasing handlers to provide for payment of interest or other penalty on delinquent accounts, which might well include the extension of credit arrangements.

Thus, considerations of the terms and conditions of sale of milk might better be left to the parties entering into the contract instead of being incorporated in this order. In view of current marketing conditions, interest charges on overdue payments of handlers to producers or groups of producers should not be adopted on the basis of this record.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Red River Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1104.7, paragraph (c) is revised to read as follows:

§ 1104.7 Distributing plant.

* * * (c) from which Class I milk is disposed of during the month on routes in the marketing area in an amount greater than an average of 600 pounds per day.

2. In § 1104.11, a new paragraph (e) is added to read as follows:

§ 1104.11 Handler.

* * * * *

(e) A cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association, or under the control of such association, by contract or otherwise, to the extent that such association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

3. Section 1104.14 is revised to read as follows:

§ 1104.14 Producer milk.

"Producer milk" means all skim milk or butterfat in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1104.11 (e); and

(3) Diverted by the operator of such pool plant to a nonpool plant for his account, subject to the limits prescribed in § 1104.63.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association pursuant to § 1104.11(c) subject to the limits prescribed in § 1104.63; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1104.11(e) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section. Such milk shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered.

4. A new § 1104.17 is added to read as follows:

§ 1104.17 Route disposition.

"Route disposition" or "disposed of on routes" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

5. Section 1104.30 is revised to read as follows:

§ 1104.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler pursuant to § 1104.11 (a) shall report:

(1) The quantities of skim milk and butterfat contained in milk received from producers;

(2) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(3) The quantities of skim milk and butterfat contained in (or used in the production of) other source milk (except Class II products disposed of in the same form in which received without further processing or packaging by the handler) and any disappearance of other source milk held in inventory;

(4) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(5) The disposition of Class I products on routes wholly outside the marketing area;

(6) The quantities of fluid milk products on hand at the beginning and end of the month; and

(7) Such other information with respect to receipts and utilization as the market administrator may prescribe.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1104.11 (c) or (e):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and each nonpool plant; and

(3) The utilization of all skim milk and butterfat not delivered to pool plants.

(c) Each handler specified in § 1104.11 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

6. In § 1104.41(b), subparagraph (6) is revised to read as follows:

§ 1104.41 Classes of utilization.

* * * * *

(b) * * *

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1104.42(b)(1), but not to exceed the following:

(i) 2 percent of milk received directly from producers (as specified in § 1104.63 (a) with respect to milk diverted from a pool plant to the pool plant of another handler); plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1104.11(e), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent. If farm weights and tests are not used as the basis for any such milk commingled in a tank truck with milk of producers who are not members of the cooperative association, the milk received from the cooperative association shall be the proportion of the total receipts at the plant that such milk was of the total receipts determined at the respective farms; plus

(iii) 1.5 percent of milk received in bulk tank loads from other pool plants; plus

(iv) 1.5 percent of milk received in bulk tank loads from other order plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of milk received in bulk tank loads from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; less

(vi) 1.5 percent of milk in bulk tank loads transferred to other milk plants or diverted to a nonpool plant (such percentage shall be 2 percent if farm weights and tests are used as the basis of receipt for milk diverted to a nonpool plant); and

(vii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1104.11 (c) or (e), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered;

* * * * *

7. Section 1104.43 is revised to read as follows:

§ 1104.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1104.11 (e), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1104.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1104.11 (e) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1104.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

8. The introductory text of § 1104.62 is revised to read as follows:

§ 1104.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1104.30(c) and 1104.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section.

* * * * *

9. In § 1104.80(b), add a new subparagraph (3) to read as follows:

§ 1104.80 Time and method of payment for producer milk.

* * * * *

(b) * * *

(3) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1104.11(e), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(i) Partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) of this section; and

(ii) In making final settlement, the value of such milk at the applicable uniform price, less the amount of partial payment made for such milk.

10. Revise § 1104.84 to read as follows:

§ 1104.84 Adjustment of accounts.

(a) Whenever audit by the market administrator or other verification discloses errors resulting in monies due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such errors occurred.

(b) Any unpaid obligation of a handler pursuant to § 1104.82, § 1104.85, § 1104.86, or paragraph (a)(1) of this section shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and compounded on the first day of each month thereafter until such obligation is paid.

11. In § 1104.86, paragraph (a) is revised to read as follows:

§ 1104.86 Expense of administration.

* * * (a) producer milk (including that pursuant to § 1104.14(a)(2) and such handler's own production), * * *

Signed at Washington, D.C., on October 9, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-12457; Filed, Oct. 11, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SO-65]

FEDERAL AIRWAYS AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V-194 from McComb, Miss., 1,200 feet AGL via the INT of McComb 038° T (032° M) and Meridian, Miss., 243° T (238° M) radials; 1,200 feet AGL to Meridian.

2. Realign V-455 west from Hattiesburg, Miss., 1,200 feet AGL via INT Hattiesburg 010° T (005° M) and Meridian, Miss., 243° T radials; 1,200 feet AGL Meridian.

3. Realign V-18 south from Jackson, Miss., to Meridian as a standard 1,200 feet AGL south alternate airway.

4. Alter the description of the Meridian transition area by substituting lat. 32°11'30" N., for lat 32°07'00" N., to retain V-194 as one boundary.

A flight inspection of the Meridian VORTAC determined that the facility is unreliable from the 221° to the 242° True radials and unusable beyond 17 nautical miles from the minimum en route altitude to 17,500 feet MSL between the 225° and 235° True radials. V-194 is aligned via the 230° True radial of this facility. Accordingly, the realignment of V-194 as proposed, would provide navigational guidance along the segment between McComb and Meridian. V-455 west coincides in part with V-194. Realignment of V-194 would necessitate realignment of the corresponding segment of V-455 west. The segment of V-18 south, under consideration was designated a nonstandard alternate to complement departure procedures at Jackson. With the commissioning of radar serving this area, the nonstandard configuration of V-18 south is no longer necessary and the airway may be realigned as a standard south alternate airway. This action would reduce the route mileage between Jackson and Meridian via this airway. A segment of the Meridian transition area is bounded by V-194. The description of this transition area would be altered to reflect the realignment of V-194.

Interested persons may participate in the proposed rule making by submitting

such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 7, 1968.

T. MCCORMACK,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-12419; Filed, Oct. 11, 1968; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-77]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Wilmington, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Wilmington 700-foot transition area described in § 71.181 (33 F.R. 2137 and 14285) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of New Hanover County Airport (lat. 34°16' 11" N., 77°54'14" W.); within 2 miles each side of the Wilmington VORTAC 017° radial, extending from the 8-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the LOM; within 2 miles each side of the ILS localizer north course extending from the 8-mile radius area to 8 miles north of Wesley Intersection.

The proposed additional extension predicated on the ILS localizer north course is required to provide controlled airspace protection for IFR aircraft executing the revised AL-459 LOC (BC) RWY 16 instrument approach procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 2, 1968.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 68-12420; Filed, Oct. 11, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Docket No. 19901; EDR-143A]

AIR FREIGHT INDUSTRY

Uniform Credit, Billing and Collection Practices; Supplemental Notice

OCTOBER 9, 1968.

The Board, by circulation of advance notice of proposed rule making EDR-143, dated August 23, 1968, and published at 33 F.R. 12191, gave notice that it had under consideration rule making action to establish uniform credit, billing, and collection practices within the domestic and international air freight industry. The public was invited to participate in the formulation of tentative conclusions as to the need for regulations in this area and in the identification of specific problems, by submission of twelve (12) copies of written data, views, or arguments to the Docket Section of the Board on or before October 14, 1968.

Counsel for the 27 air freight forwarders who filed the petition for rule making proceedings represents that he will not be able to obtain the views of all these forwarders in time to file joint comments within the time allowed, and requests that the time for comments be extended to October 28, 1968.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to October 28, 1968.

All relevant communications received on or before October 28, 1968, will be considered by the Board. Copies of these communications will be available for examination in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 68-12425; Filed, Oct. 11, 1968; 8:46 a.m.]

[14 CFR Part 296a]

[Docket No. 18126; EDR-150]

HOUSEHOLD GOODS AIR FORWARDERS

Classification and Exemption; Termination of Rule-Making Proceeding

OCTOBER 8, 1968.

On January 23, 1967, the Civil Aeronautics Board issued a notice of proposed rule making (EDR-110, 32 F.R. 992) wherein it proposed a new Part 296a, which would provide for the classification and exemption of used household goods air forwarders. Interested persons were invited to file written data, views, or arguments pertaining to the proposed rule, and over a hundred comments have been filed.

The Department of Defense (DoD), the Air Freight Forwarders Association (AFFA) and Air Dispatch, an air freight forwarder, strongly oppose the basic proposal to grant exemption authority to household goods air forwarders.[1] Thus AFFA contends that the Board, as a matter of policy, should not adopt the proposed regulation, and, as a matter of law, may not do so in the form proposed and under the procedures instituted. It argues that an idenfinite extension of operating authority to household goods movers requires reexamination in an adjudicatory proceeding of the factual premises reached in the Air Freight Forwarder Authority Case.[2] DoD, a major shipper of household goods, states that it does not and never has advocated a blanket exemption in the manner proposed. It adds that until a factual showing is made that the shipping public generally or the national defense requires a blanket exemption, the proposed rule should not be adopted.

Household goods movers, on the other hand, support the exemption, but oppose certain restrictions on the exemption. Asiatic Forwarders objects to § 296a.21 (a) of the proposed rule which provides that a household goods air forwarder

[1] In addition, Trans World Airlines, although not expressing strong opposition to the rule, contends that the Board should impose a time limit on any authorization granted and that there should be a showing of need.

[2] 40 C.A.B. 673 (1964).

shall not "use another indirect air carrier, another indirect air carrier's agent or a traffic service organization at points where it solicits or is tendered household goods air traffic." [3] Asiatic also contends that other sections of the proposed rule require change including § 296a.21(b) which would prohibit use of a "traffic service organization" for "accessorial and/or administrative services." United Van Lines contends that § 296a.21(c), prohibiting certain common control, common ownership or interlocking relationships should be amended, and Chicago Avenue Transfer, et al., objects to § 296a.22 which would prohibit an independent forwarder of household goods by air from soliciting traffic in an agency capacity for a national motor cooperative or system.[4] No comments support the rule as proposed.

The comments received thus indicate either opposition to the basic proposal to grant a blanket exemption to household goods air forwarders or to certain key provisions of the proposed rule, designed to prevent possible deceptive discriminatory and unfair practices and reduce enforcement problems.[5] Upon consideration of all the comments, the Board has determined it would not be in the public interest to grant a blanket exemption to household goods movers at this time and this rule-making proceeding will accordingly be terminated.[6] Instead, the Board will continue to exempt by order, pursuant to request by the Department of Defense, those household goods movers selected by it to transport used household goods of personnel of the Department.[7]

In addition, the Board has decided to impose a general moratorium on the processing of applications for operating authorizations as household goods forwarders until the Board determines that it will renew outstanding temporary authorizations as household goods air forwarders. This action is grounded on the following considerations.

In the Air Freight Forwarder Authority Case, supra, the Board approved applications for operating authorizations for forwarding household goods for an experimental period of 5 years which will expire on July 9, 1969. Accordingly, existing licenses will expire within a year and any new licenses granted would have by their terms only a short period to run.[8] In view of the short period remaining and the circumstance that past experience indicates that relatively little use has been made of existing forwarder authorizations,[9] the issuance of additional licenses would not make any significant contribution to the experiment in issuing limited licenses of this type. Furthermore, it appears that a moratorium on processing such applications would not deprive the public of any needed services with respect to the movement of household goods by air. The needs of DoD will continue to be met through use of licensed forwarders and household goods movers endorsed by it for exemption. And the small volume of traffic which has moved under existing household goods forwarder authorizations indicates that but little use would be made of additional licenses for shippers other than DoD during this interim period.

The Board therefore finds that at this time the administrative burden of processing applications for household goods operating authorizations is not justified by any public purpose and the processing of such applications will be held in abeyance pending Board determination that it will renew outstanding temporary authorizations of household goods air freight forwarders.[10] In this connection, note is taken of the Board's prior tentative conclusions, announced prior to the rule-making proceeding, that as a matter of policy the grant of more than one domestic and international air freight forwarder operating authorization to a group of related household goods movers would be contrary to the public interest.[11] At such time as the Board may resume the processing of applications by household goods surface movers for forwarding authorizations it will, in light of comments received and other attendant circumstances, reconsider these tentative conclusions and decide which policy it should follow in defining the control and ownership relationships which would bar multiple licenses.

Accordingly, the Board hereby terminates the rule-making proceeding in Docket 18126.

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743, 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-12426; Filed, Oct. 11, 1968; 8:46 a.m.]

[3] Objections to the provisions of § 296a.21 (a) have also been made in comments filed by the following: Allied Van Lines, Chicago Avenue Transfer, Inc., et al., H. C. & D. Moving & Storage Co., et al., Home-Pack Transport, Inc., et al., Imperial Household Shipping Co., Inc., Jet Forwarding, Inc., United Van Lines, Inc., Household Goods Forwarders Association of America, Inc., and National Furniture Warehousemen's Association. In addition, there are approximately 100 letter comments opposing § 296a.21(a) by origin agents.

[4] Greyhound Van Lines, North American Van Lines, Inc. and United Van Lines request that the definition of "household goods" as contained in § 296a.2 be broadened.

[5] See EDR-110, pp. 4-6.

[6] Such action will not, however, foreclose the Board from future consideration of a blanket exemption approach with respect to household goods movers in the light of additional facts and circumstances which may develop, particularly in connection with the Board's determination on renewing outstanding temporary authorizations of household goods airfreight forwarders.

[7] See e.g., Order E-26636, Apr. 9, 1968.

[8] Of course, timely applications for renewal would extend their life until the Board acts on the renewal applications.

[9] For example, in 1967 of 20 companies issued licenses, only 11 reported carrying household goods traffic. While precise figures are not available, based on reports and other information, it is estimated that in 1967 these companies carried approximately 3000 tons of traffic, the great preponderance of which was for the military.

[10] This general moratorium is not intended, however, to preclude an applicant from showing that the grant of its application will meet an immediate public need for the air movement of household goods traffic for shippers other than DoD, justifying a special waiver of the moratorium.

[11] Order E-22185, May 30, 1965, amended by Order E-22447, July 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18052]

FIELD STRENGTH MEASUREMENTS FOR FM AND TV BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules regarding field strength measurements for FM and TV broadcast stations, Docket No. 18052, RM-839.

1. On March 1, 1968, the Commission released a notice of proposed rule making in this proceeding (FCC 68-235) inviting comments on a proposal to permit the use of field strength measurements for determining the coverage of FM and TV broadcast stations and to establish a standard method of making such measurements. At the request of the Association of Federal Communications Consulting Engineers (AFCCE) for a 60-day extension of time to file comments, a subsequent order was released June 28, 1968, extending the time for filing comments on the proposal to October 7, 1968, and to October 21, 1968, for filing reply comments.

2. In the petition before us, filed October 3, 1968, the AFCCE now requests the Commisson to extend, for a period of 30 days from October 7, 1968, the time for filing comments in this proceeding. It states that the chairman of the AFCCE's rules and standards committee has done a considerable amount of work in assembling the views of the numerous members who have experience and opinions regarding field strength measurements for VHF broadcast stations. It further states that the task of assembling comments from the various members and formulating a meaningful position on this docket has taken a considerable amount of time. It feels that with the granting of the further extension it will be in a position to file more complete and perhaps more useful comments.

3. In acting on the previous request for extension of time, we were of the view that it was desirable to have as much information as possible in reaching a decision. We believe that the requested extension of time is warranted and would be in the public interest.

4. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended to November 7, 1968, and the time for filing reply comments is extended to November 21, 1968.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: October 8, 1968.

Released: October 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief,
Broadcast Bureau.

[F.R. Doc. 68-12436; Filed, Oct. 11, 1968; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 22,169]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans on Short-Term Leaseholds

OCTOBER 8, 1968.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System for the purpose of specifying the basis on which Federal savings and loan associations will be authorized to make loans on the security of short-term leaseholds in areas approved for such lending by the Board. Accordingly, it is proposed to amend Parts 541 and 545 as follows:

1. By amending paragraph (a) of § 541.9 to read as follows:

§ 541.9 Loans on the security of first liens.

(a) The term "loans on the security of first liens" means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in leasehold or subleasehold extending or renewable automatically or at the option of the holder (or at the option of the Federal association) for a period of at least 50 years from the date the loan is executed or such shorter period as provided in § 545.6-19 of this chapter) specific security for the payment of the obligation secured by such instrument: *Provided,* The instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjected to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

* * * * *

2. By amending § 545.6-19 to read as follows:

§ 545.6-19 Short-term leaseholds.

(a) *Applications.* A Federal association whose regular lending area includes all or part of any county where under local practice lending on leaseholds extending or renewable automatically for a period of less than 50 years is prevalent may seek Board approval to make loans as hereinafter provided by filing an application with the Board containing the following:

(1) A map showing the county in which the association proposes to make such loans and the association's regular lending area;

(2) Citations to the appropriate provisions of local law authorizing other institutional lenders to make such loans; and

(3) Information demonstrating the competitive necessity for making such loans.

(b) *Effect of approvals.* Approval of any such application by the Board shall constitute approval for all Federal associations to make loans in such county as provided in this section.

(c) *General provisions.* A Federal association may, if permitted by the terms of its charter, invest in loans on the security of first liens on improved real estate held under a leasehold or subleasehold, and located in counties in which the Board has approved such lending, as provided herein.

(d) *Leaseholds or subleaseholds existing on October 12, 1968.* A Federal association may invest in such a loan secured by a leasehold or subleasehold created on or prior to October 12, 1968, if, at the time the association invests in the loan, the leasehold or subleasehold extends or is renewable automatically or at the option of the holder (or at the option of such association) for a period of at least 10 years beyond the maturity of the loan.

(e) *Leaseholds or subleaseholds created after October 12, 1968.* A Federal association may invest in such a loan secured by a leasehold or subleasehold created after October 12, 1968, only if, at the time the association invests in the loan, the leasehold or subleasehold extends or is renewable automatically or at the option of the holder (or at the option of such association) for a period of at least 10 years beyond the maturity of the loan and, if the loan is upon a home or combination of home and business property, the following conditions are met:

(1) The lease or sublease contains a provision giving any holder of the leasehold or subleasehold the right to extend or renew the lease or sublease at a time or times prescribed in or determinable from the lease or sublease for an aggregate extended term of not less than 75 years beginning on the date the lease or sublease is executed, at an annual rent (i) set forth in the lease or sublease, (ii) computed as provided in the lease or sublease, or (iii) agreed to by the parties at the time the extension is sought. If the lease or sublease provides for determination of the annual rent by agreement between the parties at the time an extension or renewal is sought, it shall further provide that, in the event that the parties are unable to agree to the annual rent between themselves, the amount of the annual rent shall be submitted to binding arbitration by an arbiter appointed by a court of competent jurisdiction; and

(2) The lease or sublease contains a provision giving any holder of the leasehold or subleasehold the right to purchase the fee-simple title to the property held under the lease or sublease or any extension thereof at a time or times prescribed in or determinable from the lease or sublease at a price (i) set forth in the lease or sublease, (ii) computed as provided in the lease or sublease, or (iii) agreed to by the parties at the time the purchase of the fee-simple title is sought. If the lease or sublease provides for determination of the purchase price of the fee-simple title by agreement between the parties at the time such purchase is sought, it shall further provide that, in the event that the parties are unable to agree to such purchase price between themselves, the purchase price shall be submitted to binding arbitration by an arbiter appointed by a court of competent jurisdiction.

(f) *Insured or guaranteed loans.* Notwithstanding the provisions of paragraph (e) of this section, a Federal association may invest in insured or guaranteed loans on leaseholds or subleaseholds if, at the time the association invests in the loan, the leasehold or subleasehold extends or is renewable automatically or at the option of the holder (or at the option of such association) for a period of at least 10 years beyond the maturity of the loan.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington D.C. 20552, by October 28, 1968 as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-12424; Filed, Oct. 11, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. 40-5507]

QUANTITY DISCOUNTS ON INVESTMENT COMPANY SECURITIES

Group Purchases

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of Rule

22d–1 (17 CFR 270.22d–1) under the Investment Company Act of 1940 ("Act") to delete a clause of the rule which has the effect of prohibiting quantity discounts for certain group purchases of redeemable securities ("shares") issued by open-end management investment companies ("mutual funds"). The proposed amendment to the rule would be adopted pursuant to the authority granted to the Commission in sections 6(c), 22(d), and 38(a) of the Act.

Section 22(d) of the Act prohibits a registered investment company, its principal underwriter, or a dealer in its redeemable securities from selling such securities from selling such securities to "any person" except "at a current public offering price described in the prospectus." The purpose of the Section, as described in the congressional reports on the Act, is to prohibit investment companies from selling redeemable securities to any person other than a dealer or principal underwriter at a price less than that at which the security is sold to the public. Section 6(c) of the Act provides that the Commission by rule, regulation, or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

In 1958 the Commission adopted Rule 22d–1 (17 CFR 270.22d–1), which in most respects codified prior administrative interpretations of section 22(d) of the Act as well as exemptive orders granted under section 6(c) of the Act. The rule permits reductions in the sales loads charged upon the sale of mutual fund shares in connection with quantity purchases and in other specified circumstances. (Investment Company Act of 1940 Release No. 2798, Dec. 2, 1958.) (23 F.R. 9601, Dec. 11, 1958.) The provision in the last sentence of paragraph (a) of Rule 22d–1 (17 CFR 270.22d–1) that quantity discounts would not be available to "a group of individuals whose funds are combined, directly or indirectly, for the purchase of redeemable securities of a registered investment company jointly or through a trustee, agent, custodian, or other representative * * * of such a group of individuals," reflects Commission concern in 1958 that, if continued, quantity discounts would disrupt the orderly, effective distribution of mutual fund shares.

As a result of the Commission's studies of the growth of the investment company industry, which culminated in its report on the Public Policy Implications of Investment Company Growth (House Report No. 2237, 89th Congress, second session, Dec. 2, 1966), the Commission now believes that no disruption of the orderly, effective distribution system of mutual fund shares would develop if mutual funds and their distributors were allowed, on a strictly voluntary basis, to afford quantity discounts to groups of individuals (or to trustees, agents, custodians or other representatives for such groups) on a uniform, nondiscriminatory basis. In addition, the removal of the present restrictive definition of "person" in the rule would provide small investors with the opportunity to join together to purchase mutual fund shares at the lower sales charges presently available only to investors of large sums.

The proposed amendment of Rule 22d–1 (17 CFR 270.22d–1) would delete the proviso clause in the last sentence of paragraph (a) and make it clear that, as used in the rule, the term "person" shall have the meaning set forth in section 2(a)(27) of the Act,[1] but shall also include the other classes presently enumerated in the definition of "any person" presently enumerated in the definition of "any person" in the rule.

If adopted, the amendment would not relax the obligation under the Securities Act of 1933 of broker-dealers and other distributors of mutual fund shares to provide prospectuses to all persons who are solicited. Thus, it is assumed that a prospectus would be furnished to each member of any group being solicited. Similarly, it is assumed that after purchases of mutual fund shares, all proxy soliciting material and reports to shareholders required by the Act and rules thereunder would be provided to each participating group member.

It should also be noted that in order to avoid problems under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940, all group purchases would be required to be handled in a manner substantially similar to ordinary brokerage transactions (See Securities Act of 1933 Release No. 4790, July 13, 1965.) (30 F.R. 9059, July 20, 1965.) Thus, where limitations are imposed on the rights of an individual participant, or special charges are made, a separate security may be created which would be required to be registered under the Securities Act of 1933 and the issuer of which may be an investment company required to register under the Investment Company Act of 1940. For example, such problems would arise if: (1) Sums were accumulated for material periods of time before investment; (2) special fees or charges, such as a front-end load, were imposed; [2] (3) limitations were imposed on the right of participants to withdraw securities held in custody; or (4) limitations were imposed on the rights and privileges of participants as shareholders.

The text of the proposed Commission action is as follows: 17 CFR 270.22d–1 under the Investment Company Act of 1940 is amended as follows:

I. In the last full paragraph of paragraph (a) of the rule, the clause preceding subdivision (i) is revised to read as follows: "As used in this paragraph (a), the term "person" shall have the meaning set forth in section 2(a)(27) of the Act but shall also include (i) * * *."

II. In subdivision (ii) of the last full paragraph of paragraph (a) of the rule, the semicolon following the phrase "more than one beneficiary is involved" is changed to a period, and all of the language following thereafter is deleted.

As so amended, Rule 22d–1 (17 CFR 270.22d–1) under the Investment Company Act of 1940 would read as follows:

§ 270.22d–1 Variations in sales load permitted for certain sales of redeemable securities.

* * * * *

(a) * * * As used in this paragraph (a), the term any "person" shall have the meaning set forth in section 2(a)(27) of the Act but shall also include (i) an individual, or an individual, his spouse and their children under the age of 21, purchasing securities for his or their own account, and (ii) a trustee or other fiduciary purchasing securities for a single trust estate or single fiduciary account (including a pension, profit-sharing, or other employee benefit trust created pursuant to a plan qualified under section 401 of the Internal Revenue Code) although more than one beneficiary is involved.

* * * * *

(Sec. 6(c), 22(d), 38(a), 54 Stat. 800, 823, 841, 15 U.S.C. 80a–6, 80a–22, 80a–37)

All interested persons are invited to submit their views and comments on the proposed amendment to Rule 22d–1 (17 CFR 270.22d–1). Written statements submitted to the Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549, on or before November 4, 1968. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 7, 1968.

[F.R. Doc. 68–12415; Filed, Oct. 11, 1968; 8:45 a.m.]

[1] Section 2(a)(27) of the Act provides that "person" means a natural person or a company. Section 2(a)(8) of the Act provides (among other things) that "company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not.

[2] In this connection, it should be borne in mind that any person who is paid any portion of a sales load or who receives other special compensation in connection with the purchase or sale of securities will probably be required to register as a broker-dealer pursuant to section 15(a) of the Securities Exchange Act of 1934.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OIL SHALE

Prelease Drilling Permits; Extension of Time

Because of the increased interest shown in prelease drilling to permit development of geologic information about oil shale resources in tracts of land to be offered for lease sale on or about December 20, 1968, the program for drilling permits announced in the notice published in the FEDERAL REGISTER on September 20, 1968, is modified as follows:

1. The time to file applications is extended to the close of business on October 18, 1968.

2. The time for termination of drilling operations is extended to midnight on December 1, 1968.

3. The time for proper completion and abandonment of all field operations is extended to December 12, 1968.

4. The requirement that not more than one permit be issued to any one applicant for any one tract is rescinded.

DAVID S. BLACK,
Acting Secretary of the Interior.

OCTOBER 10, 1968.

[F.R. Doc. 68–12495; Filed, Oct. 11, 1968; 8:48 a.m.]

Fish and Wildlife Service

MASTER HULL POLICIES

Intent To Request Proposals

OCTOBER 9, 1968.

Under the terms of the mortgages utilized in connection with loans to commercial fishermen authorized in section 4 of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c), a mortgagor is required to obtain, among other things, hull insurance satisfactory to the Secretary of the Interior. Some of the basic requirements as respects the hull insurance coverage are that (a) the United States of America be the sole loss payee; (b) the vessel be insured for its full commercial value but in no event less than 110 percent of the outstanding balance of the note secured by the mortgage; and (c) the policy contain satisfactory Inchmaree and Breach of Warranty Clauses.

In the past, as a service to our borrowers and to potential borrowers, the Bureau of Commercial Fisheries has notified the interested public that the Commercial Fishermen's Inter-Insurance Exchange had a Master Hull Policy which, both in form and substance, met the requirements of our mortgage. This notice was merely informational and did not require the utilization of said Master Hull Policy. This Master Hull Policy expires on January 1, 1969.

The Bureau of Commercial Fisheries, in fulfilling its obligations under the Fish and Wildlife Act of 1956, as amended, desires to again notify the interested public of the existence of any Master Hull Policies which may be available to commercial fishing vessel owners or operators whose vessels serve as collateral for fisheries loans. The name of any qualifying insurance company submitting a Master Hull Policy, found acceptable for use in connection with the Bureau's lending program, will be placed in an informational release along with the applicable premium charges. While this release will be distributed to the interested public there will be no compulsion that a borrower utilize any Master Hull Policy listed in such release.

Notice is hereby given of the intent to issue a request for such proposals. Interested persons may submit written comments, suggestions or objections with respect to the proposed request to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, by November 12, 1968.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68–12433; Filed, Oct. 11, 1968; 8:46 a.m.]

[Docket No. C–291]

BERNARD J. MATTERA AND MICHAEL J. MATTERA, JR.

Notice of Loan Application

OCTOBER 9, 1968.

Bernard J. Mattera and Michael J. Mattera, Jr., 1328 15th Street, San Pedro, Calif. 90732, have applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 55-foot length over-all steel vessel to engage in the fishery for anchovies, sardines, squid, mackerel, tuna, and tuna-like fishes, saury, croaker, Pacific Ocean perch, sea bass, barracuda, pompano, hake, sablefish, sharks, California halibut, sole, rockfishes, lobster, turbot, crabs, swordfish, and abalone.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68–12435; Filed, Oct. 11, 1968; 8:47 a.m.]

[Docket No. A–468]

JAMES ARTHUR GUILMET, JR.

Notice of Loan Application

OCTOBER 9, 1968.

James Arthur Guilmet, Jr., Box 711, Pelican, Alaska 99832, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 50.4-foot registered length wood vessel to engage in the fishery for salmon and tuna.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commerial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68–12434; Filed, Oct. 11, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

"SMOKEY BEAR" SYMBOL

Notice Concerning Licensing

The regulations issued by the Secretary of Agriculture pursuant to 18 U.S.C. 711 governing the use of the "Smokey

Bear" symbol, 36 CFR Part 271, authorize the Chief of the Forest Service to approve the commercial manufacture, reproduction or use of "Smokey Bear."

Notice is hereby given that an agreement, effective June 30, 1968, has been entered into between the Forest Service and Weston Merchandising Corp., a New York corporation having its principal place of business at 4 East 52d Street, New York, N.Y. 10022, under which Weston Merchandising Corp. will review proposals for "Smokey Bear" commercial licenses received by the Forest Service, and renewals of licenses; Weston Merchandising Corp. will evaluate the merchandising potential of each proposal, negotiate the tentative terms of license with the person or organization making the proposal, and make recommendations to the Forest Service with respect to approvals of licenses. The approval and issuance of all licenses and renewals remains the responsibility of the Forest Service.

Dated: September 26, 1968, Washington, D.C.

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 68-12422; Filed, Oct. 11, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19924]

CARTWRIGHT VAN LINES, INC.

Notice of Proposed Approval of Certain Control Relationships

Application of Cartwright Van Lines, Inc. for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 19924.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 7, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

By application filed May 31, 1968, Cartwright Van Lines, Inc., incorporated in the State of Washington (CVL-Washington), requested Board approval under section 408 of the Federal Aviation Act of 1958, as amended, (the Act) of its acquisition by merger of Cartwright Van Lines, Inc. of Missouri (CVL-Missouri), a corporation engaged in interstate surface transportation of household goods pursuant to authorities issued by the Interstate Commerce Commission.

CVL-Washington is the present name of Cartwright, Inc., which holds authority from the Board to engage in the domestic and international air freight forwarding of household goods. In a merger agreement dated November 30, 1967, CVL-Missouri was merged into CVL-Washington, with CVL-Washington as the surviving company having the following corporate structure:

Individuals	Offices	Share interest
		Percent
Wm. F. Cartwright, Sr.	Chairman of board	29.4
Wm. F. Cartwright, Jr.	President, director	24.5
Michael Cartwright	Vice president, director.	9.1
Thos. Cartwright	Secretary/treasurer, director.	7.6
Jessie M. Cartwright	Assistant secretary/treasurer.	29.4
Max Stewart	Vice president, director.	None

On September 11, 1968, CVL-Washington filed Amendment 2 to the instant application, in which it requests approval of its sole ownership and control of Cartwright International Van Lines, Inc. (International), incorporated April 29, 1968, in the State of Missouri. CVL-Washington proposes that International will conduct the air freight forwarding operations separately and apart from CVL-Washington's operations as a common carrier by motor vehicle of household goods. International will have the following officers and directors:

Individuals	*Officers*
William F. Cartwright, Jr	President, director.
Michael Cartwright	Vice president, director.
Douglas Jay Wester	Vice president, director.
Dorothy Manfrida	Secretary/treasurer, director.
Thomas Cartwright	Secretary / Assistant treasurer, director.

In conjunction with its application CVL-Washington has tendered for cancellation the authorities hitherto issued by the Board to Cartwright, Inc., for domestic and international air freight forwarding of household goods, Nos. 229 and 319.

No objection to the application has been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it has been concluded that CVL-Washington is an air carrier and CVL-Missouri, a common carrier, both within the meaning of section 408 of the Act, and the merger of CVL-Washington and CVL-Missouri is subject to that section.[1] It is also concluded that International, an applicant for air freight forwarding authority, is an air carrier within the meaning of section 408, and the control by CVL-Washington of International is subject to that section. However, it has been concluded that the foregoing relationships do not affect the control of an air carrier directly involved in the operation of aircraft in air transportation, do not result in a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board, and essentially do not present any new substantive issues, hence it is concluded that they may be approved.[2]

It is further concluded that interlocking relationships within the scope of section 409 of the Act exist between CVL-Washington and International as a result of the holding by William F. Cartwright, Sr., William F. Cartwright, Jr., and Michael and Thomas Cartwright of positions, as described above, in each of such companies. However, it has been concluded that such relationships come within the scope of § 287.2 of the Board's economic regulations.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the merger of CVL-Missouri into CVL-Washington be and it hereby is approved.

2. That the control by CVL-Washington of International be and it hereby is approved; and

3. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the amended application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12430; Filed, Oct. 11, 1968; 8:46 a.m.]

[Docket No. 18650; Order 68-10-29]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 8, 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated September 24, 1968, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations,

[1] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 C.A.B. 876 (1952) and to consider the application on its merits.

[2] Airfreight Forwarder Authority Case, 40 C.A.B. 673 (1964).

[1] Attachment filed as part of the original document.

14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20125, R–43 through R–53, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12427; Filed, Oct. 11, 1968; 8:46 a.m.]

[Docket No. 18650; Order 68–10–31]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 8, 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated September 30, 1968, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. Additionally, the agreement (1) amends the description of Commodity Item 3405 to read "Stoves and Ranges—Except Electric Pans, Kettles and Baking Tins—Excluding Electrically Operated; Fondue Sets Complete, Spatulas" [2] and (2) cancels a rate of 249 cents per kilogram, minimum weight 45 kilograms, applicable from Delhi to East Coast for Item 9506—"Carved Wooden Curios." [3]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20125, R–54 through R–64, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12428; Filed, Oct. 11, 1968; 8:46 a.m.]

[Order 68–10–32]

CERTAIN UNAUTHORIZED INDIRECT AIR CARRIERS PERFORMING HOUSEHOLD GOODS SERVICES FOR DEFENSE DEPARTMENT

Order Granting Temporary Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1968.

At the request of the Department of Defense (DoD), the Board, on March 9, 1965, granted temporary relief from certain provisions of the Federal Aviation Act of 1958 to a number of persons who had been operating without Board authorization as indirect air carriers of used household goods pursuant to DoD contracts (DoD carriers).[1] The relief, which allowed these carriers an opportunity to apply for operating authorizations to engage in indirect air transportation as air freight forwarders of used household goods,[2] was granted upon the condition that such carriers file applications in accordance with the provisions of Part 296 and/or Part 297 of the Board's economic regulations on or before April 15, 1965. Subsequently, the Board granted the same relief to other DoD carriers.[3] The Board has subsequently extended the temporary relief pending resolution of certain policy issues raised by applications filed in response to the initial grant of exemption.[4]

The Board proposed to deal with these policy issues through issuance of a new regulation which would have exempted DoD carriers from the requirement of obtaining operating authorizations, subject to certain conditions.[5] For reasons stated elsewhere the Board has decided to terminate that rule-making proceeding.[6]

In lieu of granting a blanket exemption to household goods movers at this time, the Board has decided to continue to exempt by order, pursuant to request by DoD, those household goods movers selected by it to transport by air used household goods of DoD personnel.

The exemption to be granted will extend only to the carriage of used household goods, as defined hereinbefore, belonging to personnel of DoD, and will expire 1 year from the date of issuance. The exemption will be subject to renewal at the request of DoD and shall be granted only to those carriers which DoD specifies as needed to provide its service.

The DoD is in a position to determine its needs for household goods forwarding by air, and the Board finds that it is in the public interest to limit exemptions to those forwarders for whom DoD has a need. To pursue any other course would require the Board to exercise judgment as to need, which it does not do as to individual forwarder applicants, or, in the alternative, to exempt services for which there may be no need. Neither of these courses of action offers a satisfactory solution to the problem of providing the service required by DoD.

We will limit the exemption to 1 year to permit the Board and DoD to review the experience under the exemption.

In view of the foregoing circumstances the Board finds that it is in the public interest to temporarily relieve from the provisions of the Act those carriers whose services have been requested by DoD to transport by air used household goods.

Accordingly, it is ordered:

1. Pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in Appendix A are hereby relieved from the provisions of Title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DoD upon tender by that Department;

2. That the relief granted herein shall become effective October 15, 1968, and shall expire October 14, 1969, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

4. Copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

American Ensign Van Service, Inc., 1010 Hawkins Way, El Paso, Tex. 79925.

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[1] Attachment filed as part of the original document.

[2] R–56.

[3] R–58.

[1] Order E–21883.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

[3] See Orders E–22079, Apr. 26, 1965, and E–22269, June 4, 1965.

[4] The current exemption expires Oct. 14, 1968. Order E–26636, dated Apr. 9, 1968.

[5] Proposed Part 296a of the economic regulations. EDR–110, dated Jan. 23, 1967, in Docket 18126.

[6] See EDR–150.

Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103.
Container Transport International, Inc., 17 Battery Place, New York, N.Y. 10004.
Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304.
HC&D Moving & Storage, 800 South Street, Honolulu, Hawaii 96812.
Imperial Household Shipping Co., Inc., Post Office Box 20124, 8675 Fourth Street North, St. Petersburg, Fla. 33702.
International Sea Van, Inc., 1212 St. George Road, Evansville, Ind. 47703.

[F.R. Doc. 68-12429; Filed, Oct. 11, 1968; 8:46 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Planning, Office of Foreign Direct Investments.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-12431; Filed, Oct. 11, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment the position of Chief, Policy Review Staff, Office of Foreign Direct Investments. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-12432; Filed, Oct. 11, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18343, 18344; FCC 68-989]

NORTH AMERICA BROADCASTING CO. AND NORMAN BROADCASTING

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of North America Broadcasting Co., Ogden, Utah, Docket No. 18343, File No. BR-1768, for renewal of license of station KSVN, Ogden, Utah; George I. Norman, Jr., and Phillip B. Rosenthal, joint venturers doing business as Norman Broadcasting, Golden, Colo., Docket No. 18344, File No. BR-3443, for renewal of license of station KICM, Golden, Colo.

1. The Commission has before it for consideration the above-captioned renewal applications for stations KICM and KSVN, in which stations George I. Norman has an ownership interest. Also before the Commission are two assignment applications, BAL-5912, which seeks the assignment of the license of station KICM from Norman to the Greater Leasing Co., filed October 31, 1966, and BAL-6378, which seeks the assignment of the license of station KSVN from North America Broadcasting, Inc., to Intermountain Valley Broadcasting Co., which application was filed May 20, 1968. Action on these applications will be deferred pending the outcome of the hearing ordered herein.

2. Information before the Commission raises a number of serious questions concerning the qualifications of George I. Norman to be a licensee of this Commission and his conduct as a licensee. In view of these questions, the Commission is unable to find that a grant of the above-captioned applications would serve the public interest, convenience, and necessity, and must therefore designate the applications for hearing.

3. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a place and a time to be specified in a subsequent order, upon the following issues:

(1) To determine whether George I. Norman, Jr., misrepresented or concealed facts or was lacking in candor in any statement to or in any application filed with the Commission concerning his record of criminal convictions;

(2) To determine whether the criminal convictions of George I. Norman disqualify him from being a licensee or being a principal in a corporate licensee of this Commission;

(3) To determine the facts and circumstances surrounding the so-called KICM Radio Co. stock subscription; to determine the nature and extent of George I. Norman's participation in this transaction; to determine whether George I. Norman's representations to the Commission—that neither he nor his family profited by that transaction—were true and correct;

(4) To determine whether Norman arranged, participated in or effected one or more unauthorized transfers of control of the license of Station KICM, Golden, Colo., in violation of section 310(b) of the Communications Act;

(5) To determine whether George I. Norman has arranged, participated in or effected one or more unauthorized transfers of control of Station KSVN, Ogden, Utah, in violation of section 310(b) of the Communications Act.

(6) To determine whether, in the light of evidence adduced with respect to the foregoing issues, George I. Norman possesses requisite qualifications to be a licensee of the Commission.

(7) To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned renewal applications would serve the public interest, convenience, or necessity.

4. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (1) through (5), and the applicants then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be licensees of the Commission, and that a grant of their applications would serve the public interest, convenience and necessity.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the appropriate issues specified in this order.

6. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon the applicants within twenty (20) days of the release of this order a Bill of Particulars setting forth the basis for adoption of the above hearing issues.

7. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 2, 1968.

Released: October 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12437; Filed, Oct. 11, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF AMERICAN-FLAG BERTH OPERATORS AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW.,

[1] Commissioner Johnson absent.

Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elmer C. Maddy, Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 8086–9, between the member lines of the Atlantic and Gulf American-Flag Berth Operators, provides for the cancellation of Agreement No. 8086–2, as amended, which is presently the subject of Docket No. 68–30, upon the approval by the Commission of Atlantic and Gulf American-Flag Berth Operators Agreement No. 9355–3.

Dated: October 9, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–12443; Filed, Oct. 11, 1968; 8:47 a.m.]

WEST COAST AMERICAN-FLAG BERTH OPERATORS

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. A. R. Page, Secretary, West Coast American-Flag Berth Operators, 7 Front Street, San Francisco, Calif. 94111.

Agreement No. 8186–9, between the member lines of the West Coast American-Flag Berth Operators, provides for the cancellation of Agreement No. 8186, as amended, which is presently the subject of Docket No. 68–30.

Dated: October 9, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–12444; Filed, Oct. 11, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69–127 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 3, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69–127	Humble Oil & Refining Co. (Operator), agent for Henry C. Adams et al., Post Office Box 2180, Houston, Tex. 77001, Attn: Mr. John J. Carter.	343	13	Texas Eastern Transmission Corp. (Big Hill Field, Jefferson County, Tex.) (RR. District No. 3).	$42,184	9–12–68	[2] 11–1–68	4–1–69	15.6	[3 4] 16.6	RI68–4.
RI69–128	Estate of Russell Maguire (Operator) et al., 4200 First National Bank Bldg., Dallas, Tex. 75202, Attn: Mr. Max F. Powell.	1	13	Texas Eastern Transmission Corp. (Aleo-Mag Field, Harris County, Tex.) (RR. District No. 3).	1,440	9–12–68	[2] 11–1–68	4–1–69	[6] 16.2	[6] 16.6	RI67–109.
RI69–129	Champlin Petroleum Corp., Post Office Box 9365, Fort Worth, Tex. 76107, Attn: Frank L. Jones, Vice President.	83	3	Mountain Fuel Supply Co. (Alkali Creek Structure Area, Sweetwater County, Wyo.).	1,530	9–12–68	[2] 10–14–68	3–14–69	13.0	[3 7] 14.0	
RI69–130	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	50	[8] 13	Cities Service Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	----------	9–9–68	[2] 11–1–68	(Accepted)			
		50	[9] 14		79,512	9–9–68	[2] 11–1–68	4–1–69	[11 12] 12.0 [12 13] 13.0273	[4 10 11 12] 13.0 [4 10 12 13] 14.0273	RI64–310. RI64–310.
	----do----------	195	1	Lone Star Gas Co. (East Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	314	9–9–68	[2] 10–10–68	3–10–69	15.0	[3 4] 16.0	
	----do----------	36	22	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Finney, Haskell, and Seward Counties, Kans.).	5,045	9–9–68	[2] 11–1–68	4–1–69	[12] 11.6	[8 4 12] 12.0	
RI69–131	McCommons Oil Co. (Operator) et al., 1001 Mercantile Securities Bldg., Dallas, Tex. 75201.	2	[14] 3	Natural Gas Pipeline Co. of America (Boonsville Bend Conglomerate Field, Wise County, Tex.) (RR District No. 9).	256	9–10–68	[15] 10–11–68	3–11–69	[17] 16.352	[4 16 17 18] 16.602	RI68–281.
RI69–132	McCommons Oil Co., agent (Operator) et al.	3	[19] 3	----do----------	256	9–10–68	[15] 10–11–68	3–11–69	[17] 16.352	[4 16 17 18] 16.602	RI68–281.
RI69–133	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	36	18	Texas Eastern Transmission Corp. (Delhi Field, Richland Parish, La.) (North Louisiana).	37	9–12–68	[2] 11–1–68	4–1–69	[20 21] 16.6263	[3 7 20 21] 17.8519	
	----do----------	35	21	----do----------	1,846	9–12–68	[2] 11–1–68	4–1–69	[20 21] 16.8263	[3 7 20 21] 17.8519	

See footnotes on next page.

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Two-step periodic rate increase.
[6] Includes 0.5-cent per Mcf pipeline amortization deducted by buyer.
[7] Pressure base is 15.025 p.s.i.a.
[8] Letter agreement dated May 17, 1968, which provides for rate of 13 cents per Mcf for 5-year period beginning Nov. 1, 1968.
[9] Applicable to depths of 3,000 feet or less.
[10] Redetermined rate increase.
[11] Ungathered gas.
[12] Subject to a downward B.t.u. adjustment.
[13] Gathered gas. Includes 1.0273 cents paid by buyer to seller for gathering gas.
[14] Applicable to Carter and Collins Units.
[15] The stated effective date is the first day after expiration of the statutory notice.
[16] Filing reflects increase of 0.25 cent to buyer for gas dehydrated by seller.
[17] Includes base rate of 16 cents plus upward B.t.u. adjustment for 1,022 B.t.u. gas shown in filing. Base rate subject to upward and downward B.t.u. adjustment.
[18] Includes 0.25-cent dehydration charge to buyer.
[19] Applicable to Federal Fee Unit.
[20] Includes 1.75 cents tax reimbursement.
[21] Includes 1.35 cents per Mcf handling charge deducted by buyer.

McCommons Oil Co. (Operator) et al., and McCommons Oil Co., Agent, (Operator) et al. (both referred to herein as McCommons) request that their proposed rate increases be permitted to become effective as of September 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for McCommons' rate filings and such requests are denied.

Humble Oil & Refining Co. (Operator), agent for Henry C. Adams et al., (Humble) requests that should the Commission suspend its proposed rate increase that the suspension period with respect thereto be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to its rate filing and Humble's request is denied.

Concurrently with the filing of its rate increase under its FPC Gas Rate Schedule No. 50, Skelly Oil Co. (Skelly) submitted a letter agreement dated May 17, 1968, designated as Supplement No. 13 to Skelly's FPC Gas Rate Schedule No. 50, which provides the basis for its proposed rate increase under such rate schedule. We believe that it would be in the public interest to accept for filing Skelly's proposed letter agreement to become effective on November 1, 1968, the proposed effective date, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Skelly's contract agreement dated May 17, 1968, designated as Supplement No. 13 to Skelly's FPC Gas Rate Schedule No. 50, and for permitting such supplement to become effective on November 1, 1968, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 13 to Skelly's FPC Gas Rate Schedule No. 50 is accepted for filing and permitted to become effective on November 1, 1968, the proposed effective date.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before November 20, 1968.

By the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12373; Filed, Oct. 11, 1968; 8:45 a.m.]

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